

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

December 7, 2020

NOTE: These minutes are intended as a rough outline of the web-based Zoom proceedings of the Board of Appeals on Zoning of Ridgefield held on December 7, 2020. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Carson Fincham, Mark Seavy, and Joseph Pastore. Alternate Aaron Lockwood was also present.

ROTATION OF ALTERNATES

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. No alternate was needed, so the rotation will stay the same for the next meeting.

CONTINUED PETITIONS:

Appeal No. 20-024
Joseph Santoro
341 Wilton Road East

Applicants asked for another continuance prior to the hearing, to January 4, 2021.

NEW PETITIONS:

Appeal No. 20-028
Peter Gorgas
63 Harding Drive

Mr. Gorgas represented himself for the petition. He stated to the Board that his current house was a cape with an addition added in 2008. The proposed plans show a mudroom off the front door and an upper-level master bedroom addition with dormers. A setback variance was requested as the mudroom addition would place the setback at 33 ft in the RAAA zone which required a 50 ft setback. The house was built in 1960 and likely later upzoned to RAAA. The lot was just over 1 acre.

No one else appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

Appeal No. 20-029
Thomas Franco
304 Old Branchville Road

Mr. Franco represented himself for the petition. He stated his proposed plans showed an existing rear patio off the house with a roof addition. The roof was to cover about 70% of the patio. A setback variance was requested as the new proposed setback would be 29.9 ft into the 35 ft required setback in the RAA zone. Hardships were discussed as ledge on the side of the property and the odd shape of the lot. The decision in variance #00-038, was read into the record by the administrator. Mr. Fincham explained to the applicant that any approved plans had to be built exactly as shown on the submitted plans. Mr. Franco stated he understood that requirement.

No one else appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

Appeal No. 20-030

American Sign Inc., agent for Equity One (Copps Hill Inc.)
125 Danbury Road

Tony Lafo of American Sign Inc. represented the applicants. Mr. Lafo stated he was representing the planned HomeGoods store which was taking over 24,000 sq ft of the current Kohl's store in early 2021. They were requesting a sign variance for the façade. Mr. Cole asked if the current signs for Kohl's and Stop and Shop were remaining the same. Mr. Lafo confirmed. He further stated the signs would be LED, illuminated, same as the other two tenants, Kohl's and Stop and Shop. Mr. Lafo listed hardships as the large size of the building and façade, the presence of other tenants and their signage and the setback of the building from the entrance. He also stated it was ascetically pleasing to have a similarly sized sign as the other tenants. A variance granted to Kohl's for signage, variance # 00-005, was read into the record and those hardships were discussed. Mr. Fincham asked if the proposed sign was larger than what other stores were allowed. Also, what was the floor area of the other tenants. Mr. Lafo replied Stop and Shop had 60,000 sq ft of space and an 80 sq ft sign. Kohl's had 65,000 sq ft prior to HomeGoods taking over 24,000 sq ft. Their sign was 90 sq ft. The proposed sign was 36 x 22.8 for a total of 79 sq ft. The zoning regulation the variance was requested for was reviewed by the Board.

Mr. Pastore stated the addition of another sign of the façade would be excessive for the building. Mr. Fincham, Mr. Pastore and Mr. Cole agreed that there were not significant hardships and suggested the applicants ask for a zoning regulation change. Mr. Fincham explained the options the applicants had in proceeding with the petition. Mr. Lafo asked for a continuance to discuss with his clients.

No one appeared to speak for or against the petition and the hearing was continued until the January 4, 2021 ZBA meeting.

Appeal No. 20-031

Christopher Carroll
300 North Street

This application was withdrawn prior to the meeting.

Appeal No. 20-032

Matthew Grant, agent for Kris Zulkeski
96 Scott Ridge Road

Mr. Grant appeared for Mr. Zulkeski as the architect on the project. Mr. Grant stated the submitted plans showed a 450 sq ft addition over the attached garage for living space. The side setback was currently 22.1 ft in the RAA zone. The proposed plans would use the same foundation and there would be no increase in the nonconformity. A setback variance was requested. All other bulk zoning regulations were met. A review of the tax accessor records showed the house with garage was built in 1956. The Board discussed if the lot was likely upzoned to RAA at one time. It was noted by Board members that there was a rock cropping with ledge in the front and the house was located in the front side of the lot. Mr. Cole asked if the setback number included gutters. Mr. Grant replied yes.

No one else appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

ADMINISTRATIVE

Election of Chairperson and Vice Chairperson

One a motion by Mr. Cole seconded by Ms. Bearden-Rettger and passed unanimously, Carson Fincham was elected Chair for a period of one year. One a motion by Mr. Seavy, seconded by Mr. Fincham and passed unanimously, Sky Cole, was elected Vice Chair for a period of one year.

ADMINISTRATIVE:

63 Ethan Allen Highway

The Board wanted to review the statues and discuss this matter with legal counsel prior to approving. It will be discussed again at the December 14, 2020 ZBA meeting.

DECISIONS:

Appeal No. 20-028

Peter Gorgas

63 Harding Drive

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAAA zone located at 63 Harding Drive.

DATE OF HEARING: December 7, 2020

DATE OF DECISION: December 7, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAAA zone located at 63 Harding Drive.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole
Fincham, Pastore, Seavy

Opposed

CONDITION:

This action is subject to the following condition that is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

1. The addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

1. This 1.028-acre property was up-zoned to the RAAA zone which has created a hardship. The location of the house on the undersized lot and the topography at the rear of the lot are additional hardships that justify the granting of a variance in this case. The proposed addition meets the setback requirements of the zone applicable to the actual lot size, to which this property has a vested right.

2. The proposal is in harmony with the general scheme of development in the area and the Town's Plan of Conservation and Development, will have no negative impact on surrounding properties.

Appeal No. 20-029

Thomas Franco

304 Old Branchville Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 304 Old Branchville Road.

DATE OF HEARING: December 7, 2020

DATE OF DECISION: December 7, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 304 Old Branchville Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole

Fincham, Pastore, Seavy

Opposed

CONDITION:

This action is subject to the following condition that is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

1. The addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

2. The hardships listed in variance #00-038 continue to apply to this petition. The proposed addition is also no closer to the lot line than the previous addition, resulting in no net increase in linear non-conformity.
3. The proposal is in harmony with the general scheme of development in the area and the Town's Plan of Conservation and Development and will have no negative impact on surrounding properties.

Appeal No. 20-032

Matthew Grant, agent for Kris Zulkowski

96 Scott Ridge Road

REQUESTED: a variance of 3.5.H., setbacks, to allow construction of a 2nd floor addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 96 Scott Ridge Road.

DATE OF HEARING: December 7, 2020

DATE OF DECISION: December 7, 2020

VOTED: To Grant, a variance of 3.5.H., setbacks, to allow construction of a 2nd floor addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 96 Scott Ridge Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole
Fincham, Pastore, Seavy

Opposed

CONDITIONS:

This action is subject to the following conditions that are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

1. The addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those submitted and approved with the variance application.
2. The addition shall be no closer than 22.1 ft. to the side lot line.

The Board voted this action for the following reasons:

3. The location of the house on the lot, along with the topography on the lot, create an unusual hardship that justifies the granting of a variance in this case. The addition will not increase the area of nonconformity of the property.
4. The proposal is in harmony with the general scheme of development in the area and the Town's Plan of Conservation and Development and will have no negative impact on surrounding properties.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:15 pm.

Respectfully submitted,

Kelly Ryan
Administrator