

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**February 3, 2020**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on February 3, 2020 in the Public Meeting Room, Town Hall Annex, 66 Prospect Street, Ridgefield. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Mark Seavy and Aaron Lockwood.

**ROTATION OF ALTERNATES**

The rotation for the meeting was first Mr. Lockwood, second Mr. Stenko, third Mr. Brynes. Mr. Pastore was unable to attend the hearing, so Mr. Lockwood sat for him. Thus, the rotation for the next meeting will be first Mr. Stenko, second Mr. Brynes, third Mr. Lockwood.

**Appeal No. 20-001**

**Gerald Hauck**  
**29 Fire Hill Road**

Mr. Hauck represented himself for the petition. He told the Board he wanted to self-install 400 sq. ft of ground mounted solar panels on his property. The solar company he consulted did not recommend roof mounted arrays because of shading from trees on property. The only clear area on his lot away from shading, was 1 ft from the property line, which abuts property owned by the state. The proposed location would also place the arrays 20 ft from the front setback and be located in the front yard. A special permit to locate the arrays in the front yard would be required if the variance was granted. The lot was in the RAA zone with required 35 ft setbacks. The Board asked for hardships. Mr. Hauck replied there were slopes on the property and to install on the slopes would require the arrays to be placed higher. The proposed arrays were 9.5 ft high. He also stated the location of the arrays were critical to their use as maximum sunlight was needed. Mr. Smith stated that under the zoning regulations the arrays would be considered an accessory structure and since a variance stayed with the property, a future owner could build another type of structure 1 ft from the property line. Mr. Cole and Ms. Bearden-Rettger agreed that unfortunately the lot was not feasible for solar panel arrays. Mr. Cole asked Mr. Hauck if he considered buying the neighboring property from the state. Mr. Hauck replied the state did not want to sell the land. Mr. Smith asked if the proposed location could be altered or could the size of the array be downsized. Mr. Hauck stated that would be something he would consider

No one appeared to speak for or against the petition and the hearing was concluded. A continuance was granted until the March 2 ZBA meeting to allow the applicant to revise his submitted plans if he chooses.

**Appeal No. 20-002**

**David P. Gavin**  
**63 Walnut Hill Road**

Attorney Robert Jewell represented the applicant, David Gavin who was also present. Mr. Jewell stated they were asking the Board to approve a deck addition in the RAAA

zone. The lot was developed originally in the R1 zone, later RA. The lot was upzoned at its boarder and the neighborhood was split into RAA and RAAA zones. The house was built in 1996 in the RAAA zone. Lot was 1.8 acres. The deck that was built with the approved building permits, was at 42.7 ft from the side setback. 50 ft setbacks were required. A change in the zoning regulations now prevent the lot was using the drop-down provision. Mr. Jewell stated a variance was granted to the property in 2010 for a pool 20 ft from the setback. The pool was never built. Mr. Jewell submitted to the record photos of various zoning maps of the area.

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

**Appeal No. 20-003**  
**360 Main Street Ridgefield LLC**  
**360 Main Street**

Attorney Robert Jewell represented the applicant, Dr. Suho Lee who was also present. Mr. Jewell explained that the lot was the first property outside of the CBZ zone and located just outside the historic and village district and therefore not subject to those regulations. The lot was located in the RA zone. The property historically was mixed use but since 1992 had only been used commercially. It currently contains two dental practices. Mr. Jewell introduced old photos of the building showing hanging signs from the porch in the 1970's. However, there are no zoning records of signs ever being permitted on the property, so Mr. Jewell needed to prove to the zoning department that the signs were legally nonconforming. Mr. Jewell stated that under the current regulations, one free-standing sign was allowed, the applicant asked for an additional street free-standing sign and two signs to hang from the porch for each dental practice. Mr. Jewell stated that the abutting Lounsbury House and St. Stephens Church had numerous signs, though they are non-profit institutions and not in the RA zone. Mr. Jewell listed hardship as the historic commercial use of the property and safety issues as patients need to be able to locate the offices. Mr. Smith asked if the lot was in a commercial zone what size and type of signs would be allowed. Mr. Jewell replied that applicant would be allowed 24 sq. ft of signage. The proposed free-standing sign are almost 27 sq. ft. Mr. Smith asked if applicant would consider altering the sign to 24 sq. ft. Mr. Jewell and Dr. Lee agreed they would bring the sign to 24 sq. ft. Ms. Bearden-Rettger stated the proposed signs were very contemporary and did not fit with the signs on the neighboring properties. Dr. Lee stated he would discuss possible cosmetic alterations with the sign company. Mr. Cole stated that the hanging signs from the front porch were not needed and would not be seen from cars in the street. Mr. Cole suggested placing any additional signage on the rear of the building or adding another free-standing sign in the parking area off Governors Street.

No one appeared to speak for or against the petition and the hearing was concluded. A continuance was granted until the March 2 ZBA meeting to allow the applicant to revise the submitted sign plans.

**Appeal No. 20-002**  
**David P. Gavin**  
**63 Walnut Hill Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an existing deck addition to remain within the minimum yard setback; for property in the RAAA zone located at 63 Walnut Hill Road.

DATES OF HEARING: February 3, 2020  
DATE OF DECISION: February 3, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an existing deck addition to remain within the minimum yard setback; for property in the RAAA zone located at 63 Walnut Hill Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole  
Lockwood, Seavy and Smith

Opposed

CONDITION:

The Board voted this action for the following reasons:

1. The change in zoning district of this property after the lot was created and the subsequent loss of the drop-down provision in the zoning regulations, have resulted in an unusual hardship that justifies the grant of the setback variance requested in this case. It is noted that the deck addition is no closer to the lot line than the house on the property.
2. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties or on the Town's Plan of Conservation and Development.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:30 pm.

Respectfully submitted,

Kelly Ryan  
Administrator