

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

June 15, 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 June 15, 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: Glenn Smith (Chairman), Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Mark Seavy, and Joseph Pastore.

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.

NEW PETITIONS:

Appeal No. 20-009
Kevin and Diane Cummins
25 Boulder Hill Lane

Kevin and Diane Cummins represented themselves for their application. They explained to the Board that they wanted to build a 2-car detached garage 7 ft from the property line. They listed hardships as a 1-acre lot in the RAA zone. Also, the location of a propane tank and septic tank and leaching fields in the rear of the lot limited where the garage could be placed. Mr. Cole asked why the propane tank could not be relocated and the garage be attached and built directly behind the house. Mr. Cummins stated that there was a large wooded space between their lot and their neighbor so the 7ft was not as close as it may appear to be. He also had reservations about moving the structure closer to the septic fields. Mr. Smith agreed the structure could be tucked in behind the house, but with relocation of the septic tank. It was stated by the applicants that a former attached garage was converted to living space previously.

Mr. Smith explained the applicants that the Board was only required to grant minimum relief and 7 ft from the property line was extreme. Mr. Cole and Ms. Bearden-Rettger agreed. Also, the hardships listed were primarily financial and personal.

Mr. Smith suggested a continuance for the applicants to discuss revising their plans. The hearing was continued until the July 6, 2020 ZBA meeting.

Appeal No. 20-010
Jennifer Huestis, agent for Scott and Terri Turley
12 Ned's Mountain Road

Architect Jennifer Huestis and attorney Robert Jewell appeared for the applicants who were also present. Mr. Jewell listed the zoning history of the property and entered into the record previously distributed maps of the area dating back to the 1800's. The house was built over 200 years ago, went thru many zoning changes and was now located in the RAAA zone. An addition was planned which would place an overhang over a front stoop 20 ft from the front setback. The house was already legally nonconforming in the front at 24.8 ft at its closest point. Ms. Huestis stated it was a safety issue, as the stoop could become slippery from rain and ice. The rest of the addition lines up with the current

house. Hardships were listed as the property upzone to RAAA with 50 ft setbacks, up to 2/3 of the house already located in the setback and the location of the house on the lot. It was noted all other zoning regulations were met, only a setback variance was requested. Two neighbors' letter in support of the application were entered into the file.

Mr. Smith was concerned about granting a variance to an existing dwelling for such a large addition, future owners could ask for a variance to expand to the 20 ft front setback. He suggested moving back some of the addition to the rear of the house. Ms. Huestis stated there was a drop off in the rear and buildup of the ground was needed to proceed with construction. The addition will be constructed to the rear of the house and will maintain the look of the house.

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

Appeal No. 20-011

Amanda DiGiacomo and Jason Pastuzyn, contract purchasers
7 Wilton Road West

Architect Rob Sanders represented the applicants who were contract purchasers. The property owner was Katherine Bozzi. Mr. Sanders gave some history on the property stating the residence was likely a barn from a neighboring property built in the 1800's. It was made into a residence in 1900, predating zoning regulations in the Town. The house was now nonconforming to setbacks in the RAA zone. The proposed plans showed an addition of interior space and 30 sq. ft of a deck addition. Mr. Sanders noted hardships as the proposed addition in the rear and not being visible from the road. Also, the location of the house on the lot very close to the front property line.

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

Appeal No. 20-012

Philip Maggi and Anne Marie Squeo
20 Lounsbury Road

Mr. Maggi represented himself for the petition. He stated to the Board that the proposed plans included expanding the cottage on the lot with an addition totaling 488 sq. ft. The lot contained two dwelling units, so variances were required. All other zoning requirements were met. The main house was built in 1750, the cottage was built in 1900. Hardships were listed as two legally nonconforming structures on the lot built before the enactment of zoning regulations. It was noted that the additional was not visible from the road.

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

DECISIONS

Appeal No. 20-010

Jennifer Huestis, agent for Scott and Terri Turley
12 Ned's Mountain Road

REQUESTED: a variance of Section 3.5.H., to allow an addition to a single-family home that will exceed the minimum yard setback; for property in the RAAA zone located at 12 Ned's Mountain Road.

DATE OF HEARING: June 15, 2020
DATE OF DECISION: June 15, 2020

VOTED: To Grant, a variance of Section 3.5.H., to allow an addition to a single-family home that will exceed the minimum yard setback; for property in the RAAA zone located at 12 Ned's Mountain Road.

VOTE: To Grant: 4 To Deny: 1

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. The house was built in 1700's and pre-dates zoning regulations. Like other houses built during this time, it was placed close to the road. Through upzoning, this property is now subject to 50 ft setbacks and is legally nonconforming. This creates an unusual hardship that justifies the granting of a variance in this case.
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.

Appeal No. 20-011

Amanda DiGiacomo and Jason Pastuzyn, contract purchasers

7 Wilton Road West

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home that will be within the minimum yard setback; for property in the RAA zone located at 7 Wilton Road West.

DATE OF HEARING: June 15, 2020

DATE OF DECISION: June 15, 2020

VOTE: To Grant: 5 To Deny: 0

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 house on this property predates zoning and was made nonconforming as to setbacks when the zoning ordinance was adopted in 1946. This fact, combined with the location of the house on the lot, presents an unusual hardship that justifies the grant of the variance in this case. It is noted that the proposed addition is in the rear of the house and not visible from the road.
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.

Appeal No. 20-012
Philip Maggi and Anne Marie Squeo
20 Lounsbury Road

REQUESTED: variances of Sections 3.2.B.1., principal uses and structures and 8.1.A.3., nonconforming uses, to allow the expansion of a dwelling unit on a lot with more than one dwelling unit; for property in the RAA zone located at 20 Lounsbury Road

DATE OF HEARING: June 15, 2020

DATE OF DECISION: June 15, 2020

VOTE: To Grant: 5 To Deny: 0

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 parcel contains two legally nonconforming residences that existed before the enactment of zoning. The proposed addition to the cottage residence will meet all the bulk requirements of the zoning regulations. In this case, the enactment of the zoning regulations has created an unusual hardship on this property that justifies the grant of the variance in this case.
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 8:50 pm.

Respectfully submitted,

Kelly Ryan
Administrator