

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

JUNE 21, 2021

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 21, 2021. 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: Carson Fincham (Chair), Sky Cole (Vice Chair), Mark Seavy, Terry Bearden-Rettger, Joseph Pastore and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrne's. Mr. Byrnes continued to sit for Ms. Bearden-Rettger for the continued appeal. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

CONTINUED APPLICATIONS:

This application was heard by, Mr. Fincham, Mr. Cole, Mr. Pastore, Mr. Seavy and Mr. Byrnes:

Appeal No. 21-012

Nnennya Duke

22 Whitlock Lane

Rebecca Luraschi a representative for the pool company, Best in Backyards, appeared. A letter from the septic company, A1 Septic, was previously forwarded to the Board and entered into the record. The letter discussed the logistics of moving the septic system and the costs involved. Ms. Luraschi stated that the variance was only for 6 ft and it was not in the properties best interest to move or replace aspects of the septic system for the pool installation.

Terry Bearden-Rettger of 25 Fairview Avenue appeared against the granting of a variance. She stated to the Board that since the lot was in a planned residential development the lot was already allowed less of a setback requirement. Also, the open space located closest to the proposed location should be protected. She also stated that the septic concerns should not be taken under consideration because it was a financial hardship. Mr. Cole and Mr. Seavy stated that the Board has used septic locations as a hardship in the past and the applicant did due diligence by consulting with the septic company. Mr. Fincham stated that different pool sizes were available and those sizes of pools would not require a variance. Mr. Fincham also stated the cost of moving the septic system was not significant enough to justify a variance.

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

Appeal No. 21-016

Richard and Laura Flood

613 Ridgebury Road

This application was heard by, Mr. Fincham, Mr. Cole, Mr. Pastore, Mr. Seavy and Ms. Bearden-Rettger:

Property owners Richard and Laura Flood appeared for their application. Their builder, Brian Dean also appeared. Mr. Flood stated they wished to add to an existing garage on the lot to create an accessory dwelling unit. The garage was already nonconforming to setbacks and the proposed addition would be on the other side, not increasing the setback. Mr. Dean said they also proposed finishing the upstairs for additional space. The lot was .719 acres in the RAA zone. The closest setback point of the existing garage was 6.3 ft. The proposed addition was 18 ft. from the setback. A neighboring property at 625 Ridgebury Road submitted a letter in support of the application.

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

DECISIONS:

Appeal No. 21-012
Nnennyva Duke
22 Whitlock Lane

REQUESTED: a variance of Section 4.1.D.6.a., PRD setbacks, to allow construction of a pool within the minimum yard setback; for property in the RAAA zone located at 22 Whitlock Lane.

DATES OF HEARING: May 10, 2021, June 7, June 21, 2021
DATE OF DECISION: June 21, 2021

VOTED: To Deny, a variance of Section 4.1.D.6.a., PRD setbacks, to allow construction of a pool within the minimum yard setback; for property in the RAAA zone located at 22 Whitlock Lane.

VOTE: To Grant: 2 To Deny: 3
In favor Opposed
Cole, Seavy, Byrnes, Fincham,
Pastore

The Board voted this action for the following reasons:

1. Only financial hardships were presented to justify the grant of the variance sought in this application. The Board found that the pool could be constructed in a different way and therefore not require a variance.

Appeal No. 21-016
Richard and Laura Flood
613 Ridgebury Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an addition to an accessory building within the minimum yard setback; for property in the RAA zone located at 613 Ridgebury Road.

DATES OF HEARING: June 21, 2021
DATE OF DECISION: June 21, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition to an accessory building within the minimum yard setback; for property in the RAA zone located at 613 Ridgebury Road.

VOTE: To Grant: 5 To Deny:
In favor Opposed
Cole, Bearden-Rettger,
Fincham, Pastore, Seavy

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 application for variance.

The Board voted this action for the following reasons:

1. This accessory building on this property predates zoning and was made nonconforming as to setbacks when the zoning ordinance was adopted in 1946.
2. The undersized lot and odd shape of the lot also creates hardship that justifies the grant of a variance. The approved plans do not create an increase in setback nonconformity.
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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 7:50 pm.

Respectfully submitted,

Kelly Ryan
Administrator