

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

November 2, 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 November 2, 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. 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.

NEW PETITIONS:

Appeal No. 20-023

Michael Kelleher

16 Rolling Hills Road

Architect Doug MacMillan appeared for the applicants. Mr. MacMillan explained to the Board that the proposed plans showed a 12 ft. addition to the family room, plus an additional tandem garage bay. The proposed addition would be 29' from the required 35' setback in the RAA zone. He listed hardships as the lot being 1 acre in the RAA zone, loss of the drop-down provision along with the position of the house on the lot. Mr. MacMillan further stated the applicants spoke with the closest neighbor and they had no objections to the proposed plans.

No one 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. 20-024

Joseph Santoro

341 Wilton Road East

Architect Doug MacMillan appeared for the applicants. Mr. MacMillan stated to the Board that the house on the property was built in 1930 without a garage. The owners would like to construct a carport at the end of the driveway 5' from the setback line. The proposed location of the carport was to save 3-4 trees that would have to be removed if the carport was to be moved closer to the house and further out of the setback. The applicants also want to keep the carport close to the house. A letter in support from the closest neighbor was submitted to the file. The hardships were listed as the location of the septic system on the lot. Mr. Smith asked if the proposed location could be moved as 5' proposed was very close. Mr. Smith was also concerned that granting a variance 5' from the setback for a carport would result in a variance request for a full garage in the future. Ms. Bearden-Rettger asked if the carport could be moved to the rear of the lot. Mr. MacMillan replied that was too far from the house. Mr. Smith stated the lot was not undersized and questioned what hardships could be used. Mr. MacMillan asked for a continuance to discuss with his clients an alternative location.

No one appeared to speak for or against the petition and the hearing was continued until the December 7 meeting.

Appeal No. 20-025

Philip Brand

29 Stonecrest Road

Architect Doug MacMillan along with the applicant Philip Brand appeared for the petition. The application asked for a setback variance as the back-left corner roof overhang from a recent addition was built closer into the setback. A 12” variance for the overhang was requested. The setback prior to the addition was 34.9’ now it was at 33.0 in the RAA zone. That part of the roof had to be redone during construction as it was leaking. A letter in support of the variance request was submitted into the file from the closest neighbor.

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. 20-026

Trillium Architects, agents for Christoffel Norvik and Nadja Pedersen

75 Whipstick Road

Patrick Mulcahey of Trillium Architects represented the property owners. Mr. Mulcahey explained to the Board that the proposed plans showed a walkway to the garage now covered, an addition garage bay with a second story and a pool house attached. The property was already nonconforming to setbacks in the RAA zone, so a setback variance was requested. The setback would be 21’. The proposed changes would still be under the limit for floor area ratio and lot coverage for the zone. Mr. Mulcahey noted the overhangs were included in the setback calculation. A previous variance, #99-051, was reviewed by the Board.

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. 20-027

Geoffrey and Martha Morris

231 Ivy Hill Road

Mr. Morris appeared for his petition. He stated his proposed plans call for the demolition of the existing garage that was in poor condition and replacing it with a 1-car, 2-story garage that would cover the same footprint as the existing. The new garage would be 3.5’ higher than the existing. Mr. Morris stated he did not want to expand the garage plans to add an additional bay as suggested by the Board. He cited too many changes to the yard landscaping and topography issues in order to add an additional bay.

Tim McMullan of 39 Revere Place spoke against the granting of the variance. Mr. McMullan stated the addition height of the structure of 3.5’ would obstruct his view. Ms. Bearden-Rettger stated she did not notice the view of the structure from other points on the property. Timothy Bishop of 44 Revere Place also spoke. He stated he had no objections to the application but wanted to know a timeframe for the project. Mr. Morris replied the pre-fabricated structure would take 20-25 weeks for delivery and then a few days to assemble once delivered.

The hearing was then concluded. A decision can be found at the end of these minutes.

ADMINISTRATIVE:

An item on the agenda was an administrative item: the approval of the 2021 calendar. The following calendar was approved unanimously on a motion by Mr. Cole and seconded by Mr. Seavy.

January	4
February	1
March	1 & 15
April	5 & 19
May	10 & 24
June	7 & 21
July	5 & 19
September	13 & 20
October	4 & 18
November	1 & 15
December	6 & 13

Interviews and Appointment of a New Board Member

Mr. Smith’s term from the Board will end effective November 17, 2020. Notices were submitted to the Town Clerk and the Republican Town Committee was notified of the vacancy. Only one candidate for full member appeared: Carson Fincham. Mr. Carson was endorsed for the vacancy by the Ridgefield Town Committee. After the interview, Mr. Cole nominated Mr. Fincham for the full Board member position. The Motion was seconded by Ms. Bearden-Rettger and passed unanimously.

DECISIONS

Appeal No. 20-023

Michael Kelleher

16 Rolling Hills Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 16 Rolling Hills Road.

DATE OF HEARING: November 2, 2020

DATE OF DECISION: November 2, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 16 Rolling Hills Road.

VOTE: To Grant: 5 To Deny: 0

In favor
Bearden-Rettger, Cole
Pastore, Seavy and Smith

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. The undersized lot and the location of the existing house on the lot represent an unusual hardship that justifies the grant of a variance in this case. It is noted that the proposed addition exceeds the setback requirements of the RA zone.
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. 20-025

Philip Brand

29 Stonecrest Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a recent addition to remain within the minimum yard setback; for property in the RAA zone located at 29 Stonecrest Road.

DATE OF HEARING: November 2, 2020

DATE OF DECISION: November 2, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a recent addition to remain within the minimum yard setback; for property in the RAA zone located at 29 Stonecrest Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole

Pastore, Seavy and Smith

Opposed

The Board voted this action for the following reasons:

1. The upzoning of this lot from RA to RAA, along with the location of the house on the lot, represent an unusual hardship that justifies the grant of a variance in this case. It is noted that the only portion of the addition triggering the need for a variance is a short length of roof overhang, constructed to match the other roof details of the house and to improve a rain/water condition at that location.
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. 20-026

Trillium Architects, agents for Christoffel Norvik and Nadja Pedersen

75 Whipstick 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 76 Whipstick Road.

DATE OF HEARING: November 2, 2020

DATE OF DECISION: November 2, 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 76 Whipstick Road.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed
Bearden-Rettger, Cole
Pastore, Seavy and Smith

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 same hardships listed in variance #99-051 still pertain to this petition, particularly with respect to the topography of this property. It is noted that the addition will be no closer to the lot line than portions of the existing structure.
- 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. 20-027
Geoffrey and Martha Morris
231 Ivy Hill Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow the replacement of an existing one-story garage with a one-story garage within the minimum yard setback; for property in the RAA zone located at 231 Ivy Hill Road.

DATE OF HEARING: November 2, 2020
DATE OF DECISION: November 2, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow the replacement of an existing one-story garage with a one-story garage within the minimum yard setback; for property in the RAA zone located at 231 Ivy Hill Road.

VOTE: To Grant: 4 To Deny: 0 Abstaining: 1

In favor Opposed Abstaining
Cole, Pastore Bearden-Rettger
Seavy and Smith

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 location of the existing garage on the lot (the foundation of which is to be reused for the new garage) and the topography of the property represent an unusual hardship that justifies the grant 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:35 pm.

Respectfully submitted,

Kelly Ryan
Administrator