

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

September 17, 2018

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on September 17, 2018 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 special meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Terry Bearden-Rettger, Sky Cole, Mark Seavy and Michael Stenko.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes. Mr. Fincham was unable to attend the meeting and asked Mr. Stenko to sit for him. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko.

NEW PETITIONS

Appeal No. 18-012

Barbara Poole

145 Nod Road

Architect Doug MacMillan represented the applicant. He stated the property was location on Nod Road and the corner of Davis Lane. The proposed plans were for an addition of a first-floor sunroom and 2nd story. The lot was 2.6 acres in the RAA zone. The house was located in the front of the property and a front setback variance to build at 29.6 ft. was requested. The setback for RAA was 35 ft. The property also had wetlands to the rear. A septic tank would be moved for the addition. Mr. MacMillan noted that the house was originally built in the 1800's, that was why it was likely close to the road in the front of the lot. Mr. MacMillan further stated that adding the addition to the rear of the house would block windows and a rear breezeway.

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. 18-016

Pam Gugliotta

198 Ramapoo Road

Architect Doug MacMillan represented the applicant. He stated 198 Ramapoo Road was unique and contained two houses plus a barn structure or garage. The proposed plans showed an addition to the main house located on the front of the lot. A setback variance and nonconforming condition variances were requested. Both houses were built in the 1700's and pre-date zoning regulations. A large proportion of the main house was in the setback. The lot was 1.29 acres in the RAA zone. In order to lessen the nonconformity, Mr. MacMillan stated the owners would remove the barn structure on the property.

Mr. Smith asked if the owners considered adding the addition to the other house on the property were a setback variance would not be needed. Mr. Stenko agreed, stating the rear home could handle the addition. Mr. MacMillan replied that the

owners preferred to reside in the main house and a nonconforming condition variance would still be required. He further stated both homes were approximately 1800 sq. ft. Also, the lot was too small to subdivide. Mr. Cole stated the Board could not take the owners preferences into account and the rear house could be expanded without a setback variance. Mr. Smith stated the addition was large and brought the setback closer at 16.6 ft. Mr. Seavy stated that getting closer to the property line would not affect any neighbors since the closest boarder was to Ramapoo Road. Ms. Bearden-Rettger stated there was no hardship, since there were other choices to build without a setback variance. Mr. Cole agreed there was another location to build.

Mr. Smith asked if Mr. MacMillan would like a continuance to discuss revisions with his clients. Mr. MacMillan agreed and the hearing was continued to the October 1 meeting.

Appeal No. 18-016
William and Anna O'Rourke
19 Prospect Ridge, Unit 21

Mr. and Mrs. O'Rourke represented themselves for the petition. They submitted photos of their condominium unit and a neighbor's unit. Their proposed plans were to add a bay window to be constructed in their end unit condominium. They noted their neighbor's unit, opposite their own, had a bay window. A building separation variance was requested since the units were only 20.8 ft from each other, the required distance was 30 ft. Mr. Smith reviewed the approval letter submitted by the property management company for the complex. Mr. Smith also noted that the original owners of the unit likely did not want to pay extra for the addition of a bay window. Mr. Smith read the zoning regulation, 4.2.C.5., into the record and stated his concern that the addition of the bay window could create a fire safety issue. The regulation stated any building should be complaint with fire codes. The owners agreed to a condition in the variance that the fire marshal would have to approve the installation of the bay window.

Several neighbors submitted letters supporting the application for the bay window. No one appeared to speak against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

Appeal No. 18-015
Boys and Girls Club of Ridgefield, Inc.
41 Governor Street

Attorney Robert Jewell represented the applicants. The Boys and Girls Club director, Mike Flynn was also present along with architect Jeff Mose. Mr. Jewell stated if the variances were granted, the applicants still needed to get a special permit and appear before the Inland Wetland Board. Mr. Jewell gave some background on the Boys and Girls Club and their application. The Club was in the RA zone. In 2017, they attempted a zone change to the CBD zone but were denied the change by the Planning and Zoning Commission. They requested the change to more easily proceed with their expansion plans. The Club was founded in 1936 and at its present location on Governors Street since 1958. The variance request was for lot coverage and floor area ratio. Currently, the property was over on both lot coverage and FAR. Mr. Jewell stated that the Club was subject to the RA zone numbers even though it was a commercial operation. He further stated the FAR and lot coverage regulations were intended for residential purposes.

Mr. Mose then presented the proposed plans to the Board. The plans showed the main building remaining with the addition added to the rear. The proposed plans also showed a new raised outdoor area. Enrollment in the Club continues to grow yearly. Mr. Mose explained that the property did not have much useable space for expansion and most of the Club could stay open during the renovations. Mr. Smith asked for more specifics about the outdoor art area. Mr. Flynn replied that it would not be a concert venue, but an area perhaps for small shows. Mr. Mose added that a concrete retaining wall against East Ridge would need to be built into the hill for the area. Ms. Bearden-Rettger asked if additional parking was considered. Mr. Mose referred to a section in front of the current

lot were approximately 10-12 spots would be added, mainly for staff. Mr. Flynn acknowledged parking could be an issue in the summer months when staffing increased. He was confident the Town would find parking solutions.

Gina Carey of 107 East Ridge appeared. Mrs. Carey stated she approved of the submitted plans but had concerns about the stage in the outdoor arts space. Ms. Bearden-Rettger asked about outdoor lighting for the outdoor area. Mr. Mose replied lighting would be limited as the space was isolated and likely would not be used after dark. Mr. Jewell however, stated they could not confirm the space would never be used at night. Mr. Smith asked the applicants if they would consider a condition for no outdoor activity in that area after 8pm. The applicants agreed to that condition.

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

Appeal No. 18-018
RJR Builders LLC
173 High Ridge Avenue

Attorney Robert Jewell represented the applicant, owner Richard Ramey who was present. Architect Doug MacMillan was also present. Mr. Jewell told the Board that the applicant was a recent purchaser of 173 High Ridge and had divided the lot. The applicant was also a contract purchaser of 167 High Ridge and planned on dividing that lot as well. 171 High Ridge, located between 173 and 157 was owned by another party. Applicant was requesting a variance to allow 4 lots to be served by one accessway. The zoning regulation states one accessway for three lots. The proposed 4 lots would include the 2 lots divided on 173 High Ridge, one lot after dividing 167 High Ridge and 171 High Ridge, per an agreement with the owners. Owners of 171 High Ridge would abandon their current driveway and curb cut. 167 High Ridge would have a driveway and curb cut for the one lot. Mr. Jewell stated this variance request was primarily for safety. Neighboring St. Mary's Church recently received approval from the state to build a sidewalk in front of the applicant's lots. Having only 2 curb cuts instead of 3-4 cuts will improve safety at the intersection.

Mr. Jewell stated the hardships as the zoning regulation, arbitrarily created in 1959, was created for subdivisions and the decision of only 3 accessways was never justified. He further stated he submitted eliminating the regulation previously to Planning and Zoning but was denied. He entered into the record a Route 35 Traffic Improvement Plan for Ridgefield, CT which suggested eliminating curb cuts if possible. Mr. Smith stated that claiming the number of accessways allowed in the regulations as arbitrary was not relevant. Mr. Smith suggested that the one accessway could handle 3 lots and the remaining cut could serve 167 High Ridge and the rear lot after division, therefore a variance would not be needed. Ms. Bearden-Rettger agreed with Mr. Smith's suggestion. Mr. Jewell stated that having the one accessway serve the 2 lots would not eliminate the safety issues and that cut was very close to a cross walk. Mr. Ramey stated that the Town recommended they eliminate a cut and safety was most important to this project. Mr. Smith stated that the accessway serving two lots would not create additional safety hazards.

Mr. Jewell stated he would like to gather additional information from the Town and state regarding traffic and a letter in support of the accessway plan from the owners of 171 High Ridge. A continuance was granted until the next meeting schedule for October 1.

DECISIONS

The Board voted the following actions:

Appeal No. 18-012
Barbara Poole
145 Nod Road

REQUESTED: A variance of Section 3.5.H., setbacks, to allow an addition to be located within the minimum yard setback; for property in the RAA zone located at 145 Nod Road.

DATE OF HEARING: September 17, 2018

DATE OF DECISION: September 17, 2018

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition to be located within the minimum yard setback; for property in the RAA zone located at 145 Nod Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger,
Cole, Seavy, Stenko 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 location of the house on the lot, which pre-dates zoning, along with the shape of the lot, 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. 18-016
William and Anna O'Rourke
19 Prospect Ridge, Unit 21

REQUESTED: A variance of Section 4.2. C.5., Building Separation, to construct an addition that will be less than 30 ft. from a second building; for property in the MFDD zone located at 19 Prospect Ridge, Unit 21.

DATES OF HEARING: September 17, 2018

DATE OF DECISION: September 17, 2018

VOTED: To Grant, a variance of Section 4.2. C.5., Building Separation, to construct an addition that will be less than 30 ft. from a second building; for property in the MFDD zone located at 19 Prospect Ridge, Unit 21.

VOTE: To Grant: 5 To Deny: 0

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

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 bay window 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 applicant's plans shall be reviewed and approved by Town Fire Marshal.

The Board voted this action for the following reasons:

1. The juxtaposition of several of the existing buildings on the lot are nonconforming with respect to the building separation distance required by the regulations, and this location will be no more out of conformity than that which exists elsewhere on this property. These conditions create 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. 18-015
Boys and Girls Club of Ridgefield, Inc.
41 Governor Street

REQUESTED: Variances of Sections 3.5.F., lot coverage and 3.5.G., floor area ratio, to allow construction of an addition that will exceed the permitted lot coverage and floor area ratio; for property in the RA zone located at 41 Governor Street.

DATES OF HEARING: September 17, 2018
DATE OF DECISION: September 17, 2018

VOTED: To Grant, variances of Sections 3.5.F., lot coverage and 3.5.G., floor area ratio, to allow construction of an addition that will exceed the permitted lot coverage and floor area ratio; for property in the RA zone located at 41 Governor Street.

VOTE: To Grant: 5 To Deny: 0

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

CONDITION:

This action is subject to the following conditions that are an integral and essential part of the decision. Without these conditions, the variances 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 proposed outdoor arts program space will not be used after 8pm.

The Board voted this action for the following reasons:

1. The property is in the RA residential zone but not a residential use. The lot coverage and floor area ratio regulations the property is subject to were intended for residential use. 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:45 pm.

Respectfully submitted,

Kelly Ryan
Administrator