

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

October 24, 2016

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield special meeting held on October 24, 2016 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), Dwayne Barney (Vice-Chairman), Sky Cole, Carson Fincham and Charles Robbins. Alternate Evangelos Aposporis was also present for part of the meeting. Mr. Choplinski was unable to attend the meeting and was replaced by Mr. Robbins.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. Aposporis; second, Mr. Robbins; third, Mr. Stenko. Mr. Aposporis was not able to attend the duration of the meeting, so Mr. Robbins sat for Mr. Choplinski. Thus, the rotation for the next meeting will be: first, Mr. Aposporis; second, Mr. Stenko; third, Mr. Robbins.

CONTINUED PETITION:

**Appeal No. 16-024 – Petition of George and Rosemary Hawkins Sposito
36 Christopher Road**

This petition was continued from the September 12 meeting. The applicants were now being represented by attorney Robert Jewell and the project architect Douglas Cutler. Mr. Jewell stated that he would like to present hardships again and background for the petition. He entered into the file map number 1733, created in 1957, which showed the lot at its creation. It originally was two lots, later merged into one. Mr. Jewell explained that the lot was formerly in the R4 zone which was required to be at least 2500 sq. ft. with 8 ft. side setbacks and 10 ft. front setbacks. The house on 36 Christopher Road was built in 1962 zoned as a summer only residence, it was later upzoned to year-round use. In 1966 the lot was upzoned to RA with 25 ft. setbacks and between 1966 and 2004 the property was eligible for the drop-down provision until it was removed from the statutes. Along with the zones changes, Mr. Jewell stated that the hardships for the property include the topography, the deep slope, the location of the septic and well and the location of the house on the lot. Mr. Jewell also reminded the Board that the closest neighboring lot was deemed to the lake community as open space and cannot be built on.

Mr. Robbins asked if alternate plans were going to be presented as the Board suggested at the prior meeting. Mr. Jewell said the applicants were prepared to present alternate plans but wanted the Board to consider their first set of plans. Mr. Smith stated that he felt the original proposed plans showing the setback at 4 ft. was still too close and the garage could be moved even with additional costs involved. Mr. Cole stated he agreed with Mr. Smith. Mr. Sposito asked the Board if there was a setback number they would approve of. Mr. Smith replied it was not the job of the Board to pick a specific number

Mr. Cutler then presented to the Board revised plans from the September 12 meeting which showed a 4 ft. bump out for the garage, down from 8.5 ft. from the earlier plans, bringing the setback to 9.9 ft. from the property line. Previous plans had the setback 4

ft. from property line. A section shown on the proposed plans as outdoor storage was crossed out to meet the 9.9 setback. Mr. Cutler stated the applicants did not want to move the garage closer to the front since they were using the original foundation.

No one appeared to speak in favor of the petition, however a letter in support of the proposed plans was entered into the record from the President of the Mamasco Lake Association, Barbara Hartman. No one appeared to speak against the granting of the petition and the hearing was concluded. A decision can be found at the end of these minutes.

Appeal No. 16-026 – Petition of Robert Bailor
17 Old Town Road

Attorney Robert Jewell represented the applicant who was unable to attend the hearing. Mr. Jewell explained to the Board that the applicant purchased the home on 17 Old Town Road 1 ½ years ago as a two-family home. The property was located in the B1 zone. The tax assessor records showed the house was built in 1963 as a single family in the R3 zone which allowed both single family and multi-family residences. The zone was later changed to B1 and in 1970 two-family residences were removed from the B1 zone. Mr. Jewell stated that at some point the property began to be used as a two-family residence and tax assessor records show it being used as a two-family since 2007. Mr. Jewell explained that the applicant discovered the property was not a legal two-family when applying for building permits to redo the interior, there was no variance history for the property.

Mr. Jewell listed the hardships as the presence of other two-family residences in the areas and the fact that the Town wanted to increase the density of that area for a potential new train station in the Branchville area. Mr. Jewell further stated that the B1 zone allows a business with up to four additional dwellings and an accessory dwelling unit could be added if the owner lived on the property. The proposed two-family dwelling was a less intensive use than what was allowed in the B1 zone. The Board members agreed that the proposed two-family was a less intensive use.

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

Appeal No. 16-027 – Petition of St. Elizabeth Seton Roman Catholic Church Corp.
520 Ridgebury Road

Attorney Robert Jewell represented the applicants. Mr. Jewell explained to the Board that the church wanted to add a 644 sq. ft. addition to the middle of the rectory building and church office by adding a 3rd bedroom to be used by visiting priests and a garage. A setback variance was requested since the rectory was located 13.6 ft. from the front property line. Mr. Jewell provided some history of the property, the rectory was once a farm house and entered into the file a 1951 fly-over photo of the property from the tax assessor that showed the farm house close to the property boarder. The lot was upzoned to RAAA in 1968, which consisted of a 50 ft. setback. In the 1970's the land was acquired by St. Mary's Church in Ridgefield and the church was built in 1977 to accommodate the northern most members of the congregation. The Church, like all religious organizations in the Town, operate under a special permit. Mr. Jewell stated that if approved for the variance, the Church would still need to obtain a revision to the special permit. Mr. Jewell listed the hardships as the upzoning of the property to RAAA and the location of the structure on the property that pre-dates zoning.

Parishioner Ernest Conti spoke out in favor of granting the variance, stating that the addition was needed. No one appeared to speak against the granting of the petition and the hearing was concluded. A decision can be found at the end of these minutes.

DECISIONS:

The Board voted the following actions:

Appeal No. 16-024 – Petition of George and Rosemary Hawkins Sposito
36 Christopher Road

REQUESTED: A variance of Section 3.5.H., setbacks to allow the construction of an addition including a 2nd story, to a single-family residence, within the minimum yard setback; for property in the RA zone located at 26 Christopher Road.

DATES OF HEARING: September 12, 2016 and October 24, 2016
DATE OF DECISION: October 24, 2016

VOTED: To Grant, with condition, a variance of Section 3.5.H., setbacks to allow the construction of an addition including a 2nd story, to a single-family residence, within the minimum yard setback; for property in the RA zone located at 26 Christopher Road.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Barney, Cole, Fincham	
Robbins 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 constructed exactly as shown on the modified 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 revised and approved with the variance application.

The Board voted this action for the following reasons:

1. The topography of the property, along with the location of the house on the undersized lot, represents an unusual hardship that justifies the grant of the variance requested 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. 16-026 – Petition of Robert Bailor
17 Old Town Road

REQUESTED: A variance of Section 5.2.C., permitted uses, to allow a building to continue to be used as a two-family dwelling; for property in the B1 zone located at 17 Old Town Road.

DATES OF HEARING: October 24, 2016
DATE OF DECISION: October 24, 2016

VOTED: To Grant, a variance of Section 5.2.C., permitted uses, to allow a building to continue to be used as a two-family dwelling; for property in the B1 zone located at 17 Old Town Road.

VOTE: To Grant: 4 To Deny: 1

<u>In favor</u>	<u>Opposed</u>
Barney, Cole,	Fincham
Robbins and Smith	

The Board voted this action for the following reasons:

1. Tax Assessor records show that this property has been used as two-family dwelling since at least 2007. The neighborhood is transitional, consisting of residential and business uses. It is noted that the proposed two-family dwelling is a less intensive use than allowed under the current B1 regulations. These factors 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. 16-027 – Petition of St. Elizabeth Seton Roman Catholic Church Corp. 520 Ridgebury Road

REQUESTED: A variance of Section 3.5.H., setbacks, to allow construction of a two-story addition to the rectory, closer than permitted to the property line; for property in the RAAA zone located at 520 Ridgebury Road.

DATES OF HEARING: October 24, 2016
DATE OF DECISION: October 24, 2016

VOTED: To Grant, with condition, a variance of Section 3.5.H., setbacks, to allow construction of a two-story addition to the rectory, closer than permitted to the property line; for property in the RAAA zone located at 520 Ridgebury Road.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Barney, Cole, Fincham	
Robbins 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 constructed 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 rectory on the lot, which pre-dates zoning, along with the upzoning of the property to RAAA, creates an unusual hardship that justifies the grant of the variance requested 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 8:40 pm.

Respectfully submitted,

Kelly Ryan
Administrator

Filed with the Town Clerk on October 27, 2016

Posted on Town's website October 27, 2016 at approximately 2:00 pm