

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

April 3, 2023

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on April 3, 2023. Copies of recordings of the meeting may be obtained from the Administrator.

The Chair called meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Terry Bearden-Rettger, Sky Cole, Alexander Lycoyannis, Joseph Pastore, Mark Seavy and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Byrnes will be sitting for Mr. Pastore for the continued application and for the new applications at Mr. Cole's request. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes.

CONTINUED APPLICATIONS

The following application was heard by Ms. Bearden-Rettger, Mr. Cole, Mr. Pastore, Mr. Byrnes and Mr. Lycoyannis.

Application 23-002
Daniel Gmelin
152 Nursery Road

Attorney Robert Jewell appeared for the continued hearing along with the applicant Daniel Gmelin. Revised plans for the pool were submitted prior to the hearing. The original plans located the pool 12' and 16' from the rear setback. The revised plans now place the pool 20' from the setback at its closest point. Mr. Jewell submitted documents that actually showed the lot was in a planned residential development (PRD) which originally had a 0' setback when the house was constructed in 1995. Mr. Jewell further stated a 2004 change in the law, moved the setback to 25'. The lot was presumed to be in the RAA setback with 35' setbacks. Mr. Jewell also listed hardship as the strange shape of the lot and the conservation easement around the property that could not be built on. The location of the lot in a PRD was confirmed by the ZEO prior to the hearing. Mr. Gmelin stated that the shape of the pool could not be reconfigured to be moved to 25' since it was a pre-fabricated structure.

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

NEW APPLICATIONS

The following applications were heard by Ms. Bearden-Rettger, Mr. Seavy, Mr. Pastore, Mr. Byrnes and Mr. Lycoyannis.

Application 23-005
Kyle Stupi
16 Midrocks Road

Kyle and Heather Stupi appeared for their application. Their submitted plans were for a 12' x 16' deck on the side of their house, 16 ft from the side yard setback. The lot was undersized, .49 acres in the RA zone. Mr. Stupi stated the lot was closer to the R20 zone

from which it was upzoned. The other three sides of the house were not suitable for a deck addition as the location of the well, septic system and driveway would interfere. He further stated that contractors informed them that deck pillars could not be built so close to the septic system. Mrs. Stupi also stated that the proposed location would also provide an exit on that side of the house as there are no doors or windows. House was built in 1972. Letters from two neighboring properties were submitted prior to the hearing. One in favor, one against. Ms. Bearden-Rettger stated she was concerned the deck would be too close to the neighboring property at 16 ft. Mrs. Stupi stated they were willing to plant trees or add a noise canceling trellis. She further stated the deck could not be longer than 16 ft wide because of the fireplace bump out but could be built to only 10 ft. from house. The Board suggested they revise plans to show septic location and fields and where the pillars would have to be added.

The neighbor who submitted the letter against the variance appeared. Diane DeBiase appeared for her mother who was the property owner. She stated after visualizing the plans further they would not want the proposed plans so close to the house. Tree plantings for screening would not control the noise coming from the deck. Mr. and Mrs. Stupi said the neighbors did not state any such concerns when they were shown the proposed plans. The only concern the neighbors expressed was truck access to their rear lot for septic maintenance. No one else appeared to speak for or against the application. A continuance was granted to the next ZBA meeting to allow the applicants to revise their plans.

Application 23-006
Steven Tomasco
131 Peaceable Ridge Road

Architect Doug MacMillan appeared for the applicant. The submitted plans were for a new 2-car garage with a second-floor bedroom addition above the existing garage. A setback variance was requested as the garage would be located 35' within the RAAA zone which required 50' setbacks. The second-floor addition was already nonconforming as the house was 24' from the property line. The lot was 1.05 acres. Hardships were also listed as the odd shape of the lot and the position of the house on the lot. It was noted that the driveway was surrounded by ledge with an 8' drop off. Part of the driveway would be relocated to move it off a neighboring property.

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

Application 23-007
Michael Kralik
65 Olmstead Lane

Architect Doug MacMillan appeared for the applicant. He stated to the Board that the proposed plans called for the detached garage on the lot to be relocated to attach to the existing house. A front porch with an addition was also planned. A setback variance was requested as the relocated garage would still be 8.9' from the property line. Hardships were listed as the size of the lot, .59 acres in the RA zone. Wetlands were also located in the rear of the lot and near the driveway. Mr. MacMillan further stated that the current garage foundation was eroded from rain run-off and needed to be rebuilt. The new garage would also be smaller in size than the existing. It was also noted by the Board that the closest neighbor to the addition could not view it from their house location.

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

Application 23-008
Tish Vredenburg
18 Clearview Drive

Architect Doug MacMillan appeared for the applicant. The submitted plans were for a deck expansion to fill out a corner of an existing deck within the setback, 7ft from the property line. Lot was .51 acres in the RA zone. Another portion of the deck would be reducing the nonconformity as the setback would be reduced from 5.7' to 8.9'. The property was lake front, so there were also wetlands restrictions. Mr. MacMillan stated the owner would do planting for any privacy concerns with the neighboring property. The house was built in 1935, pre-dating zoning regulations.

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

DECISIONS:

Application 23-002
Daniel Gmelin
152 Nursery Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an in-ground pool within the minimum side and rear-setback; for property in the RAA zone located at 152 Nursery Road.

DATES OF HEARING: March 6, 2023, April 3, 2023
DATE OF DECISION: April 3, 2023

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an in-ground pool within the minimum side and rear-setback; for property in the RAA zone located at 152 Nursery Road.

VOTE: To Grant: 5 To Deny: 0

In favor Deny
Bearden-Rettger, Byrnes,
Cole, Pastore, Lycoyannis

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 pool shall be located exactly as shown on the revised plans and drawings presented to the Board during the hearing and made part of this decision. 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. At the time the construction of this house in 1995 Zoning setback regulations for this subdivision were determined by the topography and septic requirements. 2004 Zoning regulations changes created 25 ft. setbacks for this type of development. Per C.G.S.A. 8-26a.a, this property does not have to conform to the 2004 Zoning changes.
2. The odd shape of the lot and the existence of a conservation area, that cannot be built on, dividing the lot creates a hardship.
3. 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.

Application 23-006
Steven Tomasco
131 Peaceable Ridge Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an addition of an attached two-car garage with second story that will not meet the required setback; for property in the RAAA zone located at 131 Peaceable Ridge Road.

DATES OF HEARING: April 3, 2023
DATE OF DECISION: April 3, 2023

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition of an attached two-car garage with second story that will not meet the required setback; for property in the RAAA zone located at 131 Peaceable Ridge Road.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Byrnes, Pastore, Seavy, Lycopannis	

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 permit 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. The lot at 1.05 acres in the RAAA zone is significantly undersized creating hardship. This along with the position of the house on the lot and the presence of ledge on the west side of the property, creates additional unusual hardships that justify the granting of a variance in this case.
2. It is noted that the house is a pre-existing nonconforming structure and the approved plans eliminate the driveway encroachment on the neighboring property.
3. 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.

Application 23-007
Michael Kralik
65 Olmstead Lane

REQUESTED: a variance of Section 3.5.H., setbacks to allow attached garage to a single-family residence that will not meet the required setback; for property in the RA zone located at 65 Olmstead Lane.

DATES OF HEARING: April 3, 2023
DATE OF DECISION: April 3, 2023

VOTED: To Grant, a variance of Section 3.5.H., setbacks to allow attached garage to a single-family residence that will not meet the required setback; for property in the RA zone located at 65 Olmstead Lane.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Byrnes, Pastore, Seavy, Lycoyannis	

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 the plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building permit application shall be the same as those submitted and approved with the application for variance.

The Board voted this action for the following reasons:

2. The lot at .59 acres is undersized in the RA zone creating a hardship. The position of the house on the undersized lot, along with the presence of wetlands and the slope of the property, also creates an unusual hardship that justifies the granting of a variance in this case.
3. It is noted that the addition will not increase the setback nonconformity and the addition will not be visible from the neighboring house.
4. 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.

Application 23-008
Tish Vredenburg
18 Clearview Drive

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a deck expansion within the minimum yard setback; for property in the RA zone located at 18 Clearview Drive.

DATES OF HEARING: April 3, 2023

DATE OF DECISION: April 3, 2023

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a deck expansion within the minimum yard setback; for property in the RA zone located at 18 Clearview Drive.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Byrnes, Pastore, Seavy, Lycoyannis	

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 deck expansion with the agreed to change of placement of the middle set of stairs shall be located exactly as shown on the plans and drawings presented to and amended with the Board during the hearing and made part of this decision. The plans submitted for the building permit application shall be the same as those submitted, revised, and approved with the application for this variance.

The Board voted this action for the following reasons:

1. The house, built in 1935, pre-dates zoning regulations. The lot is undersized at .51 acres in the RA, 1 acre, zone. These factors along with the topography of the lot and the wetland restrictions, create an unusual hardship that justifies the granting of a variance in this case. It is noted that the approved plans will decrease the setback nonconformity.
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 9:00 pm.

Respectfully submitted,
Kelly Ryan
Administrator