

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

March 4, 2024

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on March 4, 2024. Copies of recordings of the meeting may be obtained from the Administrator.

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

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. No alternate was needed for this hearing. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes.

CONTINUED APPLICATION

Application 23-023

Cecilia Lane LLC

24 Craigmoor Road North

Attorney Robert Jewell appeared again along with the property owner Brian Milton. The last hearing was continued to allow case law submitted by Mr. Jewell at the last hearing to be further reviewed. Mr. Jewell stated they now were removing the request for a setback variance on the lot's west side. New plans were submitted showing the revised west side setback. A total of 717 sq ft was requested for the project. A setback and lot coverage variance were still requested for the house addition and garage on the front and east property line. Mr. Jewell listed hardships as the permanent Town installed easement in front of the property off of Craigmoor Road North. The property line to the road including the easement, was 47 ft. Setback to the actual property line in the front was 4 ft. The garage proposed setback at 9.3 ft. is in line with the former side setback of 8 ft. when the lot was previously in the R3 zone. Ms. Bearden-Rettger asked why an addition could not be in the rear of the house, possibly near the existing decking, outside of the setback. Mr. Jewell stated that any addition could not be towards the rear of the lot due to the proximity to the lake and leeching fields. Also, noted by the Board was that many neighboring properties have close setbacks to the property lines including 38 variances filed for the road. Stormwater engineering remediation would be required with an initial study already completed. The addition would be first floor only as Mr. Milton stated 1st floor living was needed for his family.

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

NEW APPLICATIONS

Application 24-005

Richard and Tracy Bevilacqua

6 Lafayette Avenue

Mr. Bevilacqua appeared for his application. He detailed his proposed plans for the Board. Submitted plans showed 2nd story addition to the existing house with no change to the footprint. The house was already within the setback at 9.2 ft. at its closest point. Built in the 1950's under an earlier zoning regulation, the house was now in the R20 zone with a required 20 ft side setback. The property had a sharp hill in the front yard making

it difficult to expand outward. There were no plans to include an attic level, perhaps just a pull-down attic space.

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

Application 24-006
Ganesh Natarajan and Shiela Subramanian
19 Walnut Hill Road

Dr. Natarajan and Dr. Subramanian appeared for their application. Prior to detailing their application, they distributed photos of their property and the proposed location along with an updated survey that now included a second legal shed on the lot. They stated to the Board that they have owned the house since 2010. The house is 1-acre in the RAAA zone. It appears to have been upzoned in the 1960's. In 2011, variance #11-054 was granted to allow a shed at 25 ft. from the side yard setback. The current plans proposed removing that shed and replacing it with a 2-car, 1.5 story detached garage also at 25 ft. They listed hardships as health and safety concerns due to ice buildup on driveway and the odd shape of the undersized lot. The applicants also stated to the Board that all other houses in their neighborhood have garages and they have already planted trees to screen the garage structure from abutting neighbor. They submitted to the file, photographs of the proposed garage, current shed and the tree plantings. They also submitted a letter describing their application and hardships.

Ms. Bearden-Rettger asked if the garage could be moved to the backyard within the 50 ft. setback. Applicants replied due to the odd shape of the lot, the garage would then be located in the middle of the backyard. Ms. Bearden-Rettger stated she was uncomfortable with the 25 ft request as in was dropping down two zones to the setback for RA zones. Applicants replied that they only had 1 acre of property and were only asking for what was granted in 2011.

Neighbors James and Susan Cutolo of 23 Walnut Hill Road appeared at the hearing and submitted a letter prior to the hearing objecting to the proposed garage. They stated the proposed garage was large, intrusive and visible from their house. They further stated it would change the landscape of their property and effect its value. Mr. and Mrs. Cutolo also questioned if the original floor area ratio of the house was correctly listed when built in 2006. The Board stated that FAR calculations was not an issue for the ZBA to review as it was not listed by the zoning enforcement officer on the variance application. Their letter also voiced concern about a pond in the rear of their lot with the addition of the garage. The applicants replied that moving the garage structure to the rear of the lot would bring it closer to the pond and the proposed garage was legal under the height regulations and would be shorter than the house. A letter in support of the proposed garage was also submitted prior by the neighbors at 3 Walnut Hill Road.

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

Application 24-007
Teisute Jucaite
117 Mamanasco Road

Teisute Jucaite appeared for her application. She stated to the Board that she needed a variance to allow a previously installed hot tub without a permit to remain. Ms. Jucaite said she misunderstood the building code and did not know she needed permits when installing. The hot tub was placed 19.8 ft from the rear setback and 12.6 ft to the side setback. Lot was 0.18 acres in the RA zone with 25 ft. required setbacks.

Mr. Cole asked why the hot tub could not be moved and be within the setback and not require a variance. Ms. Jucaite replied moving the hot tub would involve moving a nearby gazebo and concrete pad. The hot tub also could not be located on the patio. The Board agreed that Ms. Jucaite needed to review her options for moving the hot tub and

see if any of those options were feasible. Also, a non-personal hardship needed to be stated.

No one appeared to speak for or against the application. A continuance was granted until the next ZBA meeting to allow the applicant to review any options for moving.

DECISIONS:

Application 23-023
Cecilia Lane LLC
24 Craigmoor Road North

REQUESTED: variances of Sections 3.5.H., setbacks and 3.5.F., lot coverage, to allow an addition to a single-family home that will not meet the required setback and exceed the allowable lot coverage; for property in the RA zone located at 24 Craigmoor Road North.

DATES OF HEARING: February 5, 2024, March 4, 2024
DATE OF DECISION: March 4, 2024

VOTED: To Grant, variances of Sections 3.5.H., setbacks and 3.5.F., lot coverage, to allow an addition to a single-family home that will not meet the required setback and exceed the allowable lot coverage; for property in the RA zone located at 24 Craigmoor Road North.

VOTE:	To Grant:	4	To Deny:	1
	<u>In favor</u>		<u>Deny</u>	
	Cole, Lycoyannis		Bearden-Rettger	
	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. The location of a Town easement in the front of the house off the road creates an additional buffer of 47 ft. to the front setback. The lot is undersized at 0.414 acres and the house was built towards the front of the lot. The property drops off in the rear towards Mamanasco Lake. These factors create unusual hardship that justifies the granting of variances in this case.
2. It is noted that many surrounding properties have similar setbacks and the approved plans fit into the character of the neighborhood.
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 24-005
Richard and Tracy Bevilacqua
6 Lafayette Avenue

REQUESTED: variances of Sections 3.5.H., setbacks and 8.1.B.4., nonconforming structures, to allow a 2nd story addition to a nonconforming house within the minimum required setback; for property in the R20 zone located at 6 Lafayette Avenue.

DATES OF HEARING: March 4, 2024
DATE OF DECISION: March 4, 2024

VOTED: To Grant, variances of Sections 3.5.H., setbacks and 8.1.B.4., nonconforming structures, to allow a 2nd story addition to a nonconforming house within the minimum required setback; for property in the R20 zone located at 6 Lafayette Avenue.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Cole,	
Lycoyannis, 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. The topography of the small lot, .25 acres in the R20 zone, creates hardship that justifies the granting of variances in this case.
2. It is noted that the approved plans will be built on the same footprint of the existing house and will not increase the setback nonconformity.
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 24-006
Ganesh Natarajan and Shiela Subramanian
19 Walnut Hill Road

REQUESTED: variances of Sections 3.5.H., setbacks and 8.1.B.4., nonconforming structures, to allow the replacement of a legally nonconforming shed with a detached 2-car garage that is within the minimum required setback; for property in the RAAA zone located at 19 Walnut Hill Road.

DATES OF HEARING: March 4, 2024
DATE OF DECISION: March 4, 2024

VOTED: To Grant, variances of Sections 3.5.H., setbacks and 8.1.B.4., nonconforming structures, to allow the replacement of a legally nonconforming shed with a detached 2-car garage that is within the minimum required setback; for property in the RAAA zone located at 19 Walnut Hill Road.

VOTE: To Grant: 4 To Deny: 1

<u>In favor</u>	<u>Deny</u>
Cole, Lycoyannis	Bearden-Rettger
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 detached garage 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. Variance #11-054 was granted in 2011 for a setback at 25' from the property line for a shed. The Board found that the hardships that existed in 2011 remain the same for this application including the undersized lot, 1-acre in the 3-acre zone, the odd triangular shape of the lot and the position of the house on the lot.
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 10:00 pm.

Respectfully submitted,

Kelly Ryan

Administrator