

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

January 6, 2020

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on January 6, 2020 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), 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. Lockwood, second Mr. Stenko, third Mr. Brynes. No new alternate was needed for this meeting, so the rotation will remain the same for the next meeting.

CONTINUED PETITIONS:

Appeal No. 19-034

Speedi Sign, agent for FDG RF Propco, LLC

The petition was withdrawn by the applicant prior to the meeting.

Appeal No. 19-028

Louis Fusco, agent for Longo Carwash LLC
6 Farmingville Road

The petition was withdrawn by the applicant prior to the meeting

Appeal No. 19-024

Lyle Fishell, agent for Woodrow Peatt
202 Mamanasco Road #3

Lyle Fishell continued to represent the applicant who was also present. Mr. Fishell stated that as suggested by the Board at the last hearing, the roof elevation was brought down. Revised plans were submitted. He reminded the Board that the original footprint of the dwelling was not changing. Mr. Fishell listed hardships as the lot being developed and the two dwellings being built prior to the enactment of zoning in 1946. Also, the odd shape of the lot. He further stated the plans met lot coverage and FAR requirements and there was no room on the lot for expansion elsewhere.

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. 19-037
Karen Donnelly
82 Soundview Road

Attorney Robert Jewell continued to represent the applicant along with architect Jeff Mose. Mr. Mose submitted revised plans for the additional garage bay to the Board. Mr. Jewell explained that the revised plans now placed the setback 11.2 ft from the side setback. A lot coverage variance was also requested, as the proposed plans showed 46 sq. ft more coverage than allowed under the regulations. The revised plans showed two garage doors. A single garage door, as suggested by the Board, would not be in scale with the ranch house said Mr. Mose. Mr. Mose also stated that the grade of the property falls in the rear of the proposed garage and the submitted design was in character with the neighborhood. Mr. Jewell further stated that it was a reasonable use and a small addition. The lot was upzoned making it nonconforming to setbacks and the lot coverage regulation was enacted after the house was built.

Ms. Bearden-Rettger asked if the trees on the side property line would need to be removed with the addition. Mr. Mose stated they were not be removed. The abutting neighbor, Dorothy Lockwood of 86 Soundview Road stated she was not concerned with any potential tree loss between the two properties. Mr. Mose also confirmed that the curb cut would remain the same and the siding would match the current house and garage siding.

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. 19-031
Hillcrest Seventeen LLC
17 Hillcrest Court

Attorney Chris Russo of Russo and Rizio, LLC continued to represent the applicants. The hearing was continued from December 9 to allow the administrator to re-advertise the application with the lot shape requirement added. Mr. Russo again stated the hardship as the properties being upzoned from RA to RAA. He noted the proposed plans reduce the nonconformity of both 17 Hillcrest Court and 21 Hillcrest Court.

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. 19-024
Lyle Fishell, agent for Woodrow Peatt
202 Mamanasco Road #3

REQUESTED: variances of Sections 3.2.B.1, permitted with zoning permit, 3.5.H., setbacks, 8.1.A.3, nonconforming uses, 8.1.B.2., nonconforming structures, to add a second story to a property with two dwelling units and infringing into the minimum yard setback; for property in the RA zone located at 202 #3 Mamanasco Road

DATES OF HEARING: December 9, 2019 and January 6, 2020
DATE OF DECISION: January 6, 2020

VOTED: To Grant, , variances of Sections 3.2.B.1, permitted with zoning permit, 3.5.H., setbacks, 8.1.A.3, nonconforming uses, 8.1.B.2., nonconforming structures, to add a second story to a property with two dwelling units and infringing into the minimum yard setback; for property in the RA zone located at 202 #3 Mamanasco 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 two dwelling units on this property predate zoning and were made nonconforming when zoning was adopted in 1946. This fact, combined with the odd shape of the lot, presents an unusual hardship that justifies the grant of the variance in this case. It is noted that the footprint of the structure will not be changed.
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. 19-037
Karen Donnelly
82 Soundview Road

REQUESTED: variances of Sections 3.5.F., lot coverage and 3.5.H., setbacks, to construct an additional garage bay to a single-family home that will exceed the permitted lot coverage and will not meet the minimum yard setback; for property in the RA zone located at 82 Soundview Road.

DATES OF HEARING: December 9, 2019 and January 6, 2020
DATE OF DECISION: January 6, 2020

VOTED: To Grant, variances of Sections 3.5.F., lot coverage and 3.5.H., setbacks, to construct an additional garage bay to a single-family home that will exceed the permitted lot coverage and will not meet the minimum yard setback; for property in the RA zone located at 82 Soundview Road.

VOTE: To Grant: 4 To Deny: 1

In favor
Bearden-Rettger,
Pastore, Seavy and Smith

Opposed
Cole

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 house on this property was constructed prior to the enactment of the lot coverage zoning regulation. The lot was also made nonconforming as to setbacks by the upzoning of the property. This, combined with sloping topography in the back of the lot, presents 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. 19-031
Hillcrest Seventeen LLC
17 Hillcrest Court

REQUESTED: variances of Sections 3.5.A., minimum lot area, 3.5.C., maximum density 3.5.E., lot shape requirement and 8.1.C.1., nonconforming lots, to reduce the size of a nonconforming lot; for property in the RAA zone located at 17 Hillcrest Court.

DATES OF HEARING: December 9, 2019 and January 6, 2020

DATE OF DECISION: January 6, 2020

VOTED: To Grant, variances of Sections 3.5.A., minimum lot area, 3.5.C., maximum density 3.5.E., lot shape requirement and 8.1.C.1., nonconforming lots, to reduce the size of a nonconforming lot; for property in the RAA zone located at 17 Hillcrest Court.

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 lot line revisions will be exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted to the Planning and Zoning Commission for the lot line revisions shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

1. The upzoning of both this property and the neighboring property (21 Hillcrest Court) created two undersized, non-conforming lots. The lot line revisions approved by this variance will reduce the nonconformity of both properties. The pond, which is being transferred from one property (#17) to the other (#21), has historically been maintained by the owner of 21 Hillcrest Court. This lot line revision shall enable this arrangement to continue in perpetuity. 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 7:45 pm.

Respectfully submitted,

Kelly Ryan
Administrator