

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

June 1, 2020

NOTE: These minutes are intended as a rough outline of the web-based Zoom proceedings of the Board of Appeals on Zoning of Ridgefield held on June 1, 2020. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based 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, Joseph Pastore and Michael Stenko.

ROTATION OF ALTERNATES

The rotation for the meeting was first Mr. Lockwood, second Mr. Stenko, third Mr. Brynes. Mr. Smith recused himself from one petition as detailed below and Mr. Stenko sat in his place. Thus, the rotation for the next meeting will be first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko.

NEW PETITIONS:

The following petitions were heard by Mr. Smith, Mr. Cole, Ms. Bearden-Rettger, Mr. Seavy and Mr. Pastore.

Appeal No. 20-004

Meals on Wheels of Ridgefield

25 Gilbert Street

Attorney Robert Jewell represented the applicants. Dean Miller attended as a representative of Meals on Wheels. Mr. Jewell explained the Board that the applicants proposed to expand the kitchen in the building on the lot housing the Meals on Wheels program. The Ballard Green lot was owned by the Ridgefield Housing Authority. Mr. Jewell stated the Meals on Wheels program had increased meal distribution over the past few years and particularly in the last few month due to the COVID-19 pandemic. An additional 418 sq. ft was requested to expand the kitchen and a setback variance was requested. The lot was in the MFDD zone and required 50 ft setbacks, the building was nonconforming to setbacks and the use was nonconforming. The proposed expansion would bring the setback to 3'3" from the lot line, an increase from 11'10". Mr. Jewell listed hardships as the lot containing multiple buildings, therefore effecting setbacks and the nonconforming use related to the distribution of meals to those outside the Ballard Green property.

Mr. Smith questioned why the zoning enforcement officer stated a variance for Section 4.2.B., permitted by special permit, was listed. Mr. Jewell was not sure why it was listed. Mr. Smith speculated it was listed in error. Mr. Cole questioned if the proposed plans were sufficient if the number of meals served was constantly increasing. Mr. Cole further questioned if the facility would relocate in the future and the setback variance number stays with the property forever. Mr. Bearden-Rettger asked if the expansion could limit emergency access to some of the apartment units on the site. Mr. Jewell and Mr., Miller replied that access would not be compromised and Mr. Jewell further replied that the special permit process requires fire and health department approval.

Mr. Smith suggested a continuance to allow the applicants to confirm the need for the 4.2.B., variance and to address other concerns of the Board members. The hearing was continued until the June 8, 2020 ZBA special meeting.

No one appeared to speak for or against the petition and the hearing was concluded.

Appeal No. 20-005
Douglas and Laurice Haynes
114 Main Street

Applicant Douglas Haynes was present along with Laura Powers. Mr. Haynes explained that he would like to install a larger sign at his bed and breakfast inn, that was recently approved for use by the Town. Under the regulations, a 2 sq. ft sign was allowed. Mr. Haynes said a sign that size would not be seen from cars driving in the road and had safety concerns about vehicles locating the property. He was proposing a front-facing sign of 5.5 sq. ft. Mr. Haynes further stated that surrounding properties on Main Street had all different types of nonconforming signs. The Historic District Commission approved the proposed sign.

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

Appeal No. 20-006
Vladimir and Christina Gogish
31 Settler's Lane

Architect Brad De Motte appeared along with the applicants. Mr. De Motte stated that they were requesting a setback variance for an addition. The lot was 1.1 acres in the RAA zone. The addition would be 13 ft from the side setback, up from 20.1 ft. Hardships were listed as the lot being upzoned to RAA, the topography of the lot with slopes, and the location of the house on the lot. Mr. De Motte also stated that neighboring property was Town owned open space and submitted a neighbor's letter in support.

Mr. Cole asked why the addition could not be built on the west side on the property next to the screened in porch. Mr. Cole stated if the addition was located there, it would likely not require a variance since it was outside the setback. He further stated the Board was only supposed to grant minimum relief. Mr. De Motte stated that location would cause the homeowners to effectively close off one side of their porch. Mr. Bearden-Rettger stated the proposed addition would impose on open space by being only 13 ft from property line. Mr. Pastore did not think that encroachment on open space would be an issue.

Mr. Smith suggested a continuance for the applicants to discuss revising their plans. The hearing was continued until the June 8, 2020 ZBA special meeting.

Neighbor James Boehme spoke and approved the application with no objections. The hearing was concluded.

Appeal No. 20-007
Margaret & Walter Donovan
12 Twixt Hill Road

Mr. and Mrs. Donovan appeared for their petition. Mrs. Donovan stated that they proposed to replace their small deck that was demolished and replace it with a slightly larger deck. The hardship was listed as the location of the house on the lot and topography issues. A letter in support of the deck addition was submitted by their closest neighbor Mary Flanagan. The lot was in the RAA zone. The proposed deck was 22.8 from the property line.

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

Appeal No. 20-008
John Morrison
225 Mimosa Circle

The following petition was heard by Mr. Cole, Ms. Bearden-Rettger, Mr. Seavy, Mr. Pastore and Mr. Stenko.

Mr. Morrison appeared for his petition. He stated to the Board that he wanted a screened in porch addition within the setback. Hardships were listed as an undersized lot of 1 acre in the RAA zone. The house was located to the rear of the lot. The proposed addition would conform to the RA setback of 25 ft. placing the addition at 27.5 ft from the property line. A letter in support of the proposed plans from the closest neighbor, Michael Schreck, was submitted.

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

DECISIONS

Appeal No. 20-005
Douglas and Laurice Haynes
114 Main Street

REQUESTED: a variance of Sections 7.2.D.1.a., type of sign, to display a free-standing advertising sign larger than permitted; for property in the RA zone located at 114 Main Street.

DATE OF HEARING: June 1, 2020
DATE OF DECISION: June 1, 2020

VOTED: To Grant, a variance of Sections 7.2.D.1.a., type of sign, to display a free-standing advertising sign larger than permitted; for property in the RA zone located at 114 Main Street.

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 sign shall be exactly as shown on the drawings presented to the Board during the hearing and made part of this decision, and the drawings submitted for the sign application shall be the same as those approved with the variance application.

The Board voted this action for the following reasons:

1. As the Town has granted this property the right to operate a bed and breakfast, the Board found the public health, safety and welfare better served by a sign identifying the property larger than what is typically permitted in the zone. The challenges associated with the property's location in the Historic District, and the fact that the Historic District Commission approved the sign, also contributed to the decision.

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. 20-007
Margaret & Walter Donovan
12 Twixt Hill Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an open deck within the minimum yard setback; for property in the RAA zone located at 12 Twixt Hills Road

DATE OF HEARING: June 1, 2020

DATE OF DECISION: June 1, 2020

a variance of Section 3.5.H., setbacks, to allow construction of an open deck within the minimum yard setback; for property in the RAA zone located at 12 Twixt Hills Road

VOTED: To Grant,

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 deck 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 undersized lot, along with the topography of the property, represent 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 the Town's Plan of Conservation and Development, and will have no negative impact on surrounding properties.

Appeal No. 20-008
John Morrison
225 Mimosa Circle

REQUESTED: a variance of 3.5.H., setbacks, to construct an addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 225 Mimosa Circle.

DATE OF HEARING: June 1, 2020

DATE OF DECISION: June 1, 2020

VOTED: To Grant, a variance of 3.5.H., setbacks, to construct an addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 225 Mimosa Circle.

VOTE: To Grant: 5 To Deny: 0

In favor

Opposed

Bearden-Rettger, Cole
Pastore, Seavy 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 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 undersized lot, along with the topography of the property, represent 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 the Town's Plan of Conservation and Development, and will have no negative impact on surrounding properties.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator