

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

March 15, 2021

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 March 15, 2021. 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: Carson Fincham (Chair), Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Mark Seavy, Joseph Pastore and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. Mr. Cole was unable to sit for the new application, so Mr. Byrnes sat for that hearing as described below. Thus, the rotation for the next meeting will be: first, Mr. Stenko; second, Mr. Lockwood; third Mr. Byrnes

CONTINUED APPLICATION:

The following application was heard by, Mr. Fincham, Mr. Cole, Ms. Bearden-Rettger, Mr. Seavy and Mr. Pastore:

Application No. 21-004

Sam Kaplan

110 North Salem Road

Architect Doug MacMillan continued to represent the applicants. Since the March 1 meeting, the legal ad was reposted to reflect the additional regulation 7.3.D.1., design of parking spaces. Mr. MacMillan stated a variance for 7.3.B.3., was no longer needed, as the property had the required parking spaces for the home occupation. The zoning enforcement officer's definition of an employee in the regulations was confirmed. Mr. MacMillan stated hardships as the regulation requiring commercial type paving hurting the character of a residential neighborhood. The run off from paving portions of the lot caused concerns for the neighboring homes and the Titicus River and wetlands to the rear of the lot. Mr. MacMillan further stated the applicants still needed a special permit for the home occupation from the Planning and Zoning Commission.

The Board requested a condition of the variance that the home business be limited to 5 work visits per month as outlined in the application letter submitted to the ZBA. Mr. MacMillan did not object to the condition.

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.

NEW APPLICATION:

Application No. 21-006

Christopher Gahn

316 Bennetts Farm Road

The following application was heard by, Mr. Fincham, Ms. Bearden-Rettger, Mr. Seavy Mr. Pastore and Mr. Byrnes:

Christopher Gahn and Alicia Brooks appeared for their application. Mr. Gahn stated to the Board that the current deck on their home was built in 1986 in the front of the home and now needed to be reconstructed. The lot was narrow, only 50 ft wide so the house and decks did not meet the 25 ft setbacks for the RA zone. The lot was .152 acres in the RA zone. The proposed rebuilt now stretched the deck across the whole front of the house. The setback on one side was proposed as 5.9 ft from 6.1. ft. The other side was existing 2.4 ft now proposed to 9 ft. This will decrease the nonconformity of the lot. The new deck would be approximately 200 sq ft. A roof overhand over a portion of the existing deck would be removed, decreasing impervious lot coverage.

Suzanne Gerber and Dr. Arthur Davies of 46 Crest Road appeared. They asked if the deck would be covered and if any increase in height of the house was proposed. Mr. Gahn replied they were not covering the deck and there are currently no plans to redo another deck located in the rear of the house.

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.

DECISIONS:

Application No. 21-004

Sam Kaplan

110 North Salem Road

REQUESTED: variances of Section 7.3.B.3., number of parking spaces, and Section 7.3.D.1., design of parking areas, to allow a reduction in the number and size of parking spaces required for a home occupation; for property in the RAA zone located at 110 North Salem Road.

DATES OF HEARING: March 1 and 15, 2021

DATE OF DECISION: March 15, 2021

VOTED: To Grant, a variance of Section 7.3.D.1., design of parking areas, to allow a reduction in the number and size of parking spaces required for a home occupation; for property in the RAA zone located at 110 North Salem Road

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole, Fincham

Pastore, Seavy

Opposed

CONDITIONS:

This action is subject to the following conditions that are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

1. The parking spaces 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.
2. The applicants shall be bound by their letter dated January 7, 2021 and submitted to the Zoning Board of Appeals as part of their application, and work on the premises that is subject to the parking requirements shall be limited to a maximum of 5 work days per month.

The Board voted this action for the following reasons:

1. The requirements of 7.3.D.1. appear to be directed to commercial standards for parking and access dimensions and as applied to this property, which has limited usable dimensions between the road and the Titicus River, creates an unusual hardship that justifies the granting of a variance.
2. To require the dimensional standards of 7.3.D.1. for this property in such close proximity to the Titicus River would be averse to neighboring properties and likely negatively impact the Titicus River.
3. 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.

Application No. 21-006
Christopher Gahn
316 Bennetts Farm Road

REQUESTED: a variance of Section 3.5.H., setbacks, to remove a nonconforming deck and replace with a larger deck that does not meet the minimum yard setback; for property in the RA zone located at 316 Bennett's Farm Road.

DATES OF HEARING: March 15, 2021

DATE OF DECISION: March 15, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to remove a nonconforming deck and replace with a larger deck that does not meet the minimum yard setback; for property in the RA zone located at 316 Bennett's Farm Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Byrnes, Fincham
Pastore, Seavy

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 undersized lot that has been up-zoned to eliminate any buildable portion of the property creates an unusual hardship.
2. The topography and narrow width of the lot severely limit the development options for the property and create an unusual hardship.
3. The proposed activity decreases the existing non-conformity of the lot by 13%.
4. 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 7:45 pm.

Respectfully submitted,

Kelly Ryan
Administrator