

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

October 28, 2019

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on October 28, 2019 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), Carson Fincham, Terry Bearden-Rettger, Mark Seavy and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Cole had to recuse himself from the hearing. Mr. Byrnes was asked to sit on his behalf since there was a continued hearing, he sat for at the last ZBA meeting. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes.

CONTINUED PETITION:

Appeal No. 19-023

Ridgefield Workshop for the Performing Arts d/b/a The Ridgefield Theatre Barn
37 Halpin Lane

A continuance was granted until November 4 prior to the meeting.

NEW PETITIONS:

Appeal No. 19-025

Evelyn and Patrick McGrath
28 Eustis Lane

Mr. and Mrs. McGrath appeared for their petition. Mrs. McGrath stated to the Board that they wanted to build an in-ground swimming pool within the required 50 ft setback. The lot was in the RAA zone but was a planned residential development so 50 ft rear setbacks were required. The proposed pool was 36 ft from the setback.

Mr. Smith explained the PRD zoning regulations and asked for their hardship. Mrs. McGrath stated other parts of the property had ledge, and patio and retaining walls they did not want to remove. Plus the location of the septic system limited their options. Mr. Fincham asked if the pool could be rotated and moved out of the setback. Mrs. McGrath stated that move would require patio walls to be removed. Mr. Fincham replied that was a financial hardship. Mr. McGrath further stated that the property had many rock ledges and retaining walls preventing the location of the pool in other areas. Ms. Bearden-Rettger asked if the retaining walls could be removed. The McGrath's stated the walls were beautifully done and did not want to remove them. Mr. Fincham stated the PRD rules require a serious hardship and the applicants should try and move the retaining walls. Mrs. McGrath stated that all other houses in the PRD have pools and not having one could affect their resale value. She also stated the pool was to the rear and would not affect any neighbors.

James Tobin of the Ridgefield Land Conservatory spoke in favor of granting the petition. He stated the proposed pool was a good distance from the wetlands in the neighboring lot. No one spoke against granting the petition.

Mr. Smith stated that all the hardships discussed tonight were financial and outlined options for the applicants. A continuance was granted until the December 9 ZBA meeting.

Appeal No. 19-026

Jane Knox

53 Circle Drive

Ms. Knox appeared for her petition along with her brother Robert Knox. They explained to the Board that they wanted to make an addition to the ranch home. Specifically, a one-story addition to the side of the house that would bring the setback to 26.8 ft from the side property line. The lot was originally in a 1-acre subdivision later upzoned to RAA. Mr. Knox noted the addition would comply with the RA setbacks. Ms. Know said the home was built in the 1950's and she purchased it in 1988.

Neighbors, Tom and Cathy Savoca of 47 Circle Drive spoke in favor of granting the petition. No one appeared against the granting of the variance.

The hearing was concluded. A decision can be found at the end of these minutes.

Appeal Nos 19-027 & 19-028

Louis Fusco, agent for Longo Carwash LLC

6 Farmingville Road

This hearing was for two separate variances applications dealing with two neighboring lots with the same owner. Landscape architect Louis Fusco represented Longo Carwash LLC. Owners Ernesto and Peter Longo were also present and spoke. The carwash currently has a special permit to have a carwash in the B3 zone. Mr. Fusco stated they were asking to expand the nonconforming use to both lots. The lot containing the carwash building, Block A, showed cosmetic improvements including sitting areas, pergolas and relocating parking and driveways. On the other lot, Block B, they planned to demolish an old, unused building and reduce the asphalt on the lot. They planned to add two self-serve vacuum stations and a sitting area on that lot. Photos of the proposed plans were shown and discussed. Mr. Smith asked if the carwash use was grandfathered. Tom Kelly, a neighboring property owner stated that the carwash was there since 1970. Mr. Smith stated the ZBA rarely grants variances for uses and would be doing so if it granted this variance to the other lot. Mr. Smith questioned if the self-serve stations could remain on Block A, therefore not adding a carwash use to Block B. Mr. Smith asked Mr. Longo if he ever considered merging the lots, or keeping the carwash related structures on the one lot. Mr. Longo stated it would only be the self-serve stations on Block B and yes, he did look into merging the lots or redrawing property lines previously.

At this point the applicants and Board discussed the applicant reviewing their legal options regarding lot merging or possibly revising plans to move carwash fixtures to one lot only. A continuance was granted until the December 9 ZBA meeting.

Appeal No. 19-029

Ashlea Andrews

598 Danbury Road

Permit coordinator Ashlea Andrews appeared. Ms. Andrews said she was sent by the sign company for the proposed sign. Ms. Andrews confirmed during the hearing that the requested sign was 2-sided and larger than the allowed 24 sq. ft under the zoning regulations. Mr. Smith asked for a hardship. Ms. Andrews was not aware of any

hardships. Mr. Smith suggested a continuance to confirm with the zoning enforcement officer on exactly the size allowed and for a hardship to be established.

No one appeared to speak for or against the petitions and the hearing was continued until November 4.

DECISIONS

Appeal No. 19-026

Jane Knox

53 Circle Drive

REQUESTED: a variance of 3.5.H., setbacks, to allow construction of an addition to a single-family house within the minimum yard setback; for property in the RAA zone located at 53 Circle Drive.

DATE OF HEARING: October 28, 2019

DATE OF DECISION: October 28, 2019

VOTED: To Grant, a variance of 3.5.H., setbacks, to allow construction of an addition to a single-family house within the minimum yard setback; for property in the RAA zone located at 53 Circle Drive.

VOTE: To Grant: 5 To Deny: 0

In favor
Bearden-Rettger, Byrnes,
Fincham, 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 upzoning of the property has created an unusual hardship that justifies the granting of a variance in this case. It is noted that the approved plans meet the RA setback.
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 8:25 pm.

Respectfully submitted,

Kelly Ryan
Administrator