

**ZONING BOARD OF APPEALS OF RIDGEFIELD**  
**MINUTES OF MEETING**

**February 5, 2024**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on February 5, 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 23-020**  
**Richard Vail, agent for Colleen and Earl Flath**  
**149 Main Street**

Applicants withdrew the appeal prior to the hearing.

**NEW APPLICATIONS**

**Application 23-23**  
**Cecilia Lane LLC**  
**24 Craigmoor Road North**

Attorney Robert Jewell appeared along with the property owner Brian Milton. The property was located in the RA zone, 0.414 acres built in 1955. The lot was long and narrow and sloped down to Mamanasco Lake in the rear. The submitted plans show additions to the cape-style home with a detached garage. Setback and lot coverage variances were requested. Applicants want the house to remain at 1-story in character with the neighborhood. The plans do not include an increase in floor area. Mr. Jewell submitted to the Board numerous documents to support the application and hardships including maps, former zoning regulations, legal cases and variances granted to neighboring properties. Mr. Jewell detailed the zoning changes on the property and the changes from originally R4 to the current RA designation. Hardships were listed as the topography on the property including the rear drop off to the lake and the slope in the front of the lot. Also, the location of a Town right-of-way in the front of the house on Craigmoor Road North was discussed. Without the right-of-way, the setback to the property line from the proposed detached garage would be 47 ft. The proposed plans show the front setback at 3.1' for the detached garage. The west property line at 11.3' and the east at 20'. The lot was in the RA zone with 25' setbacks required. Mr. Jewell stated to the Board that no neighboring lots meet the side setbacks and this was the first variance filed for this property. A lot coverage variance was also requested as an additional 601 sq ft in additions was planned. Mr. Jewell stated that the change in zoning regulations created the lot coverage hardship. He further stated that the current stormwater regulations protect properties while lot coverage regulations were intended for aesthetic reasons only. The applicant stated they would agree to a condition of the variance that they would not add floor area to the property. Prior to the hearing the applicant revised the height of the roof pitch on the proposed garage at the abutting neighbor's request.

Case law submitted by Mr. Jewell at the hearing was discussed. Mr. Jewell stated that decisions in these cases supported the applicant's hardship, as case law states that changes in the regulations could be considered a hardship and under the former zoning regulations the submitted plans would be approved.

The Board then asked for a continuance to review the cases submitted by Mr. Jewell.

Two neighbors at 22 and 28 Craigmoor Road North appeared and spoke in favor of the application after the applicant provided additional stormwater protections and drainage.

The hearing was continued until the March 4 meeting.

**Application 24-001**  
**Brandon and Emily Arcamone**  
**384 Branchville Road**

Mr. Arcamone and Daniel Roe of Clark Construction appeared for the application. The submitted plans were to build a 2-story addition over an existing sunroom adding 174 sq. ft. The plans would not be any closer to the current setback at 23.6'. A previous variance granted in 1990 allowed for a setback at 20' from the side setback. Other hardships listed include wetland restrictions, the odd shape of the lot and no increase in the nonconformity of the setbacks.

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

**Application 24-002**  
**Louis J Bottali**  
**1 Twopence Road**

Mr. Bottali appeared for his application. The proposed plans were to construct an accessory dwelling unit within the side setback at 40'. Lot was 1-acre in the RAAA zone with a required 50' setback. The undersized lot was listed as a hardship along with the presence of wetlands in the rear. It was noted by Mr. Bottali that the proposed setback would meet the RAA requirement of 35'. A pool and patio were to be removed at the proposed location of the ADU.

Mr. Cole stated the structure could be placed outside of the setback and would not require a variance. Mr. Bottali replied that he wanted to maintain 20' between the ADU and house and also wanted the structure to face the road with a south facing roof for future solar panel use. The Board stated that those were personal hardships or preferences. The abutting neighbor forwarded an email to the Board expressing concerns a future owner might use the ADU as a rental unit.

After discussing his options with the Board, the Mr. Bottali decided to withdraw the application.

**Application 24-004**  
**Robert Bangser**  
**18 Partridge Drive**

Mr. Bangser and his contractor Reggie Farias appeared for the application. The application was for a deck recently constructed within the side setback and requiring a variance. The applicant stated he was unaware he needed a variance when applying for the building and zoning permits. The survey submitted for the permits did not show the existing deck setback. The deck was constructed at 26.9' from the side setback in the RAA zone with a required 35' setback. A 1986 variance allowed an addition to the house at 17', so the deck was not any closer. Hardships were listed as the position of the house on the corner of the lot away from the wetlands. Also, noted was the undersized lot, slightly over one acre in the RAA zone.

A neighbor at 19 Partridge appeared in favor of granting the application.

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

**DECISIONS:**

**Application 24-001**  
**Brandon and Emily Arcamone**  
**384 Branchville Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a two-story addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 384 Branchville Road

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

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a two-story addition to a single-family home within the minimum yard setback; for property in the RAA zone located at 384 Branchville Road

VOTE:	To Grant:	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 odd shape of the lot along with the presence of wetlands on the property, resulted in the house being constructed at an angle to the side property line. These factors have created an unusual hardship that justifies the granting of a variance in this case. It is noted that the approved plans do not increase the nonconformity of the property.
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.

**Application 24-004**  
**Robert Bangser**  
**18 Partridge Drive**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a newly constructed deck to remain in the setback; for property in the RAA zone located at 18 Partridge Drive.

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

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a newly constructed deck to remain in the setback; for property in the RAA zone located at 18 Partridge Drive.

VOTE: To Grant: To Deny: 0

In favor Deny  
Bearden-Rettger, Cole,  
Lycoyannis, Pastore, Seavy

The Board voted this action for the following reasons:

1. The position of the house on the lot along with the topography and presence of wetlands creates unusual hardship that justifies the granting of a variance in this case. It is noted that a previous variance allowed an addition to the house closer to the side setback than the new deck.
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 9:10 pm.

Respectfully submitted,  
  
*Kelly Ryan*  
  
Administrator