

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

June 8, 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 8, 2020. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based special 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.

ROTATION OF ALTERNATES

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. No alternate was needed, so the rotation will stay the same for the next meeting.

CONTINUED PETITIONS:

Appeal No. 20-006

Vladimir and Christina Gogish

31 Settler's Lane

Architect Brad DeMotte appeared again along with the applicants. Mr. DeMotte stated that he along with the applicants, listened to the Board's suggestions from the last meeting and came up with two different plans, narrowed down to one. They concluded however, that the new plan would be built too close to the edge of the hill and too many trees would have to be removed, causing erosion and destabilizing the hill. Mr. DeMotte stated they would like approval of their originally submitted plans. Hardships were listed as the upzoning of the 1-acre property to RAA, the topography and location of the house on the lot and the location of the septic system in the front of the lot. A letter to the Board and photos showing the alternate plan that was considered was previously submitted to the file and distributed to the Board. Mr. Gogish stated that the addition was needed for a home office needed since he was required to work from home during the COVID-19 pandemic.

Mr. Cole stated that the proposed 13 ft. setback was still too close since another location to build was available. Cost of tree removal and the need for a home office were personal hardships. Ms. Bearden-Rettger stated that the proposed 13 ft. was too close to the open space trail located closest to the lot line. Mr. Smith stated the Board could not consider the intended use of the addition as a hardship.

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. 20-004

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 stated that after discussing the variance request for 4.2.B., with the ZEO Richard Baldelli, it was confirmed that if the Board granted a variance for 4.2.B., the applicants would not have to apply for a special permit. Mr. Jewell also stated that a 1983 variance allowed the property to operate the kitchen.

Mr. Smith asked for hardships for each of the three variances requested. For the setback variance, Mr. Jewell listed the presence of 4 parcels with interior lot lines and the MFDD requiring 50 ft. setbacks. The nonconforming use is only due to meals being prepared for those who live off campus. The kitchen use was established in 1983 and the charity is expected to have growth. This charity is located on Town owned property. The recent State mandates in response to the COVID-19 pandemic has created an urgent need to complete the project and waive the special permit process. The special permit process could take months to complete and the addition is relatively minor. Mr. Jewell and Mr. Miller stated that information meetings would take place for the residents of Ballad Green so they would be aware of the proposed expansion. It was unlikely that the operation on Town owned property would move in the near future and if so it would likely be converted to housing. Restaurants were not allowed in the MFDD zone. Ms. Bearden-Rettger stated that she no longer had safety concerns and visiting the proposed location again and was pleased they would be holding information meeting for the residents.

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. 20-006
Vladimir and Christina Gogish
31 Settler's Lane

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home that will be within the minimum yard setback; for property in the RAA zone located at 31 Settler's Lane.

DATE OF HEARING: June 1 and 8, 2020
DATE OF DECISION: June 1 and 8, 2020

VOTED: To Deny, a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home that will be within the minimum yard setback; for property in the RAA zone located at 31 Settler's Lane.

VOTE: To Grant: 1 To Deny: 4

The Board voted this action for the following reasons:

1. The hardships presented to the Board by the applicant did not justify the granting of the variance sought in this petition. The Board felt that alternatives exist that may lessen the magnitude of the variance requested, if not eliminate the need for a variance altogether.

Appeal No. 20-004
Meals on Wheels of Ridgefield
25 Gilbert Street

REQUESTED: variances of Section 4.2.B., permitted by special permit, 4.2.C.3., minimum yard setbacks, 8.1.A.3., nonconforming uses, to allow construction of an addition that will exceed the minimum yard setback and expand a building with a nonconforming use; for property in the MFDD zone located at 25 Gilbert Street.

DATE OF HEARING: June 1 and 8, 2020
DATE OF DECISION: June 1 and 8, 2020

VOTE: To Grant: 5 To Deny: 0

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 setback variance being requested is from an interior lot line of a town-owned four-parcel campus, where the 50 ft. perimeter setbacks are clearly intended protect the property values of those properties adjacent to this MFDD zone.
2. The natural growth of an organization operating under a previously permitted use is to be expected. It is noted that the presently non-conforming use is only so because the applicant is providing a portion of its charitable meals to those who live beyond the boundaries of the campus.
3. The applicant, a charity operating on Town owned property and serving the residents of the Ridgefield community, has been adversely affected by the procedural delay associated with the recent state mandates associated with the COVID-19 pandemic.
4. These reasons combine to create an unusual hardship that justifies the granting of the variances sought in this case.

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 8:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator