

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

FEBRUARY 7, 2022

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 February 7, 2022. Copies of recordings of the meeting may be obtained from the Administrator.

The Chairman called the web-based special meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Carson Fincham (Chair), Robert Byrnes, Mark Seavy, Terry Bearden-Rettger, and Joseph Pastore.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Cole was unable to sit for the new applications and asked Mr. Brynes to sit for him. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

CONTINUED APPLICATION

Application No. 21-028

Jeff Wolfson

183 Limekiln Road

Application was withdrawn prior to the meeting.

NEW APPLICATIONS

Application No. 21-026 & 21-029

Patricia Minskoff and Michael Breede

57 Golf Lane

The Board decided at Mr. Jewell's suggestion, to hear both applications for 57 Golf Lane together. Attorney Robert Jewell represented the applicants.

Mr. Jewell explained to the Board that the applicants also owned the neighboring property, 35 Golf Lane and currently live there. The applicants bought #57 in 2011 and later bought and moved into 35 Golf Lane while renovations were being done. Both lots, 35 and 57 were created in 1958 and were one lot, later split into two lots. The lot, 57 contains a single-family home and a garage structure that has been used as an accessory dwelling unit since 1970. In 2011 the applicants received a special permit to continue use of the ADU after purchasing the property.

Application #21-026 was requesting additional lot coverage to convert a barn structure on the lot to a 3-car garage with an additional ADU above, which also required a variance.

Application #21-029 was asking for approval to continue the use of the garage ADU.

The house and the garage ADU were not owner occupied, as required under the zoning regulations. All living units were rented to tenants. The proposed barn reconstruction and addition of a third ADU would need approval by the Board.

Mr. Jewell listed hardships as the ADU structure being used as an apartment for 52 years and not logical to abandon the use. Mr. Jewell also stated the structure was in the character of the neighborhood. Currently the setback for the barn was 26.3 ft from the rear property line and 25.5 from the side line. The lot was in the RAA zone and as the barn was built in 1930 and was legally nonconforming. The submitted plans showed the barn being demolished and rebuilt. Currently the property was over in lot coverage by 372 sq ft. The proposed plans showed an increase of 14 sq ft. Therefore, a

lot coverage variance was requested along with the approval for the ADU. Mr. Jewell asked that even if the Board did not approve a third ADU, to consider granting the lot coverage variance, so the barn could be rebuilt and used as a garage without an ADU. Architect Jeff Mose appeared to present the proposed plans for the barn reconstruction. The plans including rebuilding the barn away from the setback line and making it conforming to setbacks. The plans would eliminate the setback nonconformity and in exchange a lot coverage variance would be required since it was nonconforming to lot coverage. The applicant Michael Breede appeared. He stated to the Board that they hoped the rebuilt barn would make the property look better and planned on renting it out or having a family member occupy it.

No one else appeared to speak for or against the applications and the hearing was concluded. A decision on both applications can be found at the end of these minutes.

Application No. 22-001
Jennifer and Patrick Scully
5 Danbury Road

Jennifer Scully appeared for her application. She stated to the Board that she and her husband are new owners of the property. The structure was built in 1930 as a house and converted to commercial use in 2005. It is located in the B1 zone. Previous variances were granted to the lot for third and second floor residential units leaving the first floor as commercial space. The application was asking for an additional residential unit on the first floor vacating the commercial space. Mrs. Scully described hardships with retaining the first floor as commercial space including limited parking on the small lot and the building being back from the road and difficult to see by passing motorists. Mrs. Scully stated the building looked like a house, not a storefront.

Lori Mazzola of 1 Circle Drive East appeared against the application. She stated that in granting the variance the Board would be setting precedent for other commercial buildings in business zones to use first floor space for residential uses. The Board stated this was a unique property and not typical 1st floor commercial. The parking on the lot for a business would be difficult and pulling into the parking lot from the road had potential safety issues. It was noted that the space could be converted back to commercial use at any time since it was in the business zone.

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

Application No. 22-002
Piotr Baranowski and Joanna Abramowicz
19 Tackora Trail

Attorney Robert Jewell represented the applicants. Mr. Jewell stated to the Board that the proposed plans included a garage expansion within the side setback. In variance #98-012, the lot was granted a side setback variance to built a garage at 27 ft. from the line. That expansion was never constructed. The current owners did not like the approved design and want to construct a different expansion now 29 ft. from the setback. The lot was in the RAA zone with 35 ft. setback requirement. Architect Kevin Bennett appeared and stated to the Board that the new proposed plans showed a 28x31 garage adjoining the house. The plans met the requirements for floor area ratio and lot coverage. Hardships were listed as those named in the 1998 decision including the narrow shape of the lot and the location of house on the lot. Wetland's approval would also be needed for the project as wetlands were present. It was stated that the closest neighbor house effected by the setback was located a distance away from the proposed addition.

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

Application No. 21-026
Patricia Minskoff and Michael Breede
57 Golf Lane

REQUESTED: Variances of Section 3.5.F., lot coverage and 3.3.B.2.A., accessory dwelling unit, to allow a 2nd accessory dwelling unit on the lot and to construct a new building on the lot that will exceed the allowable lot coverage; for property in the RAA zone located at 57 Golf Lane.

DATE OF HEARING: February 7, 2022
DATE OF DECISION: February 7, 2002

The Board first voted in two parts:

VOTED: To Grant, variances of Section 3.5.F., lot coverage to construct a new building on the lot that will exceed the allowable lot coverage; for property in the RAA zone located at 57 Golf Lane

VOTE: To Grant: 4 To Deny: 1

In favor Opposed
Byrne, Fincham, Bearden-Rettger
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 proposed plans will move the reconstructed building out of the setback, therefore eliminating the setback nonconformity entirely. The Board felt that the elimination of the setback nonconformity was a fair exchange for an increase of 14 sq ft. of lot coverage and converting the previously legally non-conforming lot coverage overage into a legally permitted variance. It was noted that the proposed new building is located in the rear of the lot and not visible from the road.
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.

II.

VOTED: To Deny, a variance of 3.3.B.2.A., accessory dwelling unit, to allow a 2nd accessory dwelling unit on the lot for property in the RAA zone located at 57 Golf Lane.

VOTE: To Grant: 0 To Deny: 5

In favor Opposed
Bearden-Rettger,
Byrne, Fincham
Pastore, Seavy

The Board voted this action for the following reasons:

1. As the property currently contains an accessory dwelling unit, no hardships were presented to justify the grant of the variance for an additional unit.

Application 21-029
Patricia Minskoff and Michael Breede
57 Golf Lane

REQUESTED: a variance of Section 3.3.B.2.d., accessory dwelling unit, to allow an accessory dwelling unit on a lot wherein the property owner does not reside on the property; for property in the RAA zone located at 57 Golf Lane.

DATE OF HEARING: February 7, 2022
DATE OF DECISION: February 7, 2022

VOTED: To Deny, a variance of Section 3.3.B.2.d., accessory dwelling unit, to allow an accessory dwelling unit on a lot wherein the property owner does not reside on the property; for property in the RAA zone located at 57 Golf Lane.

VOTE: To Grant: 3 To Deny: 2

<u>In favor</u>	<u>Opposed</u>
Byrne, Pastore	Bearden-Rettger
Seavy	Fincham

The Board voted this action for the following reasons:

1. No hardships were presented to justify the grant of the variance sought in this application.

Application No. 22-001
Jennifer and Patrick Scully
5 Danbury Road

VOTED: To Grant, variances of Sections 5.2.D.8. and 5.2.D.8.C., uses requiring special permit, to allow utilization of the first floor of a building as a dwelling unit, therefore increasing the number of dwelling units allowed on the property; for property is the B1 zone located at 5 Danbury Road.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Bearden-Rettger, Byrne, Fincham, Pastore, Seavy	

The Board voted this action for the following reasons:

1. The hardships listed in variance # 19-035 still pertain to this application.
2. This small lot sandwiched in between what has been transitioned from a residential district to a business district is poorly sized and configured, particularly with respect to parking, for retail use, which creates a hardship. Allowing this particular unique property, the flexibility to try first floor residential use while not precluding retail uses appears to be the most just resolution for this house and lot.
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. 22-002
Piotr Baranowski and Joanna Abramowicz
19 Tackora Trail

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home with the minimum yard setbacks; for property in the RAA zone located at 19 Tackora Trail.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed
Bearden-Rettger, Byrne,
Fincham, 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 hardships listed in variance # 98-012 still pertain to this application. It is noted that a 27 ft. side setback variance was previously granted. The approved plans now place the setback at 29.5 ft. from the side lot line, which falls within the bounds of the previous variance. There is accordingly a decrease in non-conformity with respect to the previously granted variance.
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 9:00 pm.

Respectfully submitted,

Kelly Ryan
Administrator