

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

MARCH 21, 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 March 21, 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), Sky Cole, 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. No alternate was needed, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

CONTINUED APPLICATION

Application 22-005
258 North Street LLC
258 North Street

Wendy Banks Pola appeared again for the hearing along with her contractor, Joe Fossi. The hearing was continued from the March 7 meeting so Mrs. Pola could submit her lifetime lease for the property. The Board members were given the lease prior to the hearing for review. Mrs. Pola stated upon review that the lease was not transportable. The agreement did not state if lot lines ceased to exist at the end of the lease agreement. Mr. Fossi stated the owner of the lot and the neighboring lot supported the application and further stated the proposed detached garage was a pole barn type structure, not a permanent structure and was being placed on top of gravel. Ms. Bearden-Rettger asked why the garage could not be turned around and placed further away from the lot line. Mr. Fossi replied the proposed location provided a buffer to the neighboring horse arena and would not increase the amount of impervious surface needed from adding to the driveway if moved further into the property. Mr. Cole and Mr. Fincham agreed that no legal hardship was presented, only personal hardships. Mr. Fossi asked if the lifetime lease could be amended to state the properties would combine at the end. The Board agreed that the applicant should review her legal options and a continuance was granted until a later meeting date. No one appeared to speak for or against the application.

NEW APPLICATIONS

Application 22-006
Ben Miraglia
12 Casa Torch Lane

Architect Doug MacMillan appeared for the applicant. Mr. MacMillan stated the applicant was asking for a setback variance to add an attached garage. The lot was 1.3 acres in the RAA zone and a setback variance at 29.6' was requested. Hardships were listed as the undersized lot, likely upzoned. The position of the house of the odd shaped lot was also listed. The proposed plans conformed to the RA setback. A letter submitted by the closest abutting neighbor had been entered into the record in support of the application.

No one 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 22-007

Lisa McEvoy

150 High Ridge Avenue

Architect Doug MacMillan appeared for the applicant. Mr. MacMillan stated to the Board that the application was asking to construct a 12x30 screened in porch that connected to the detached garage. The lot was over the allotted amount for lot coverage but the proposed plans decreased the lot coverage by 2 ft due to an overhang removal. A small portion of the proposed porch was in the setback, so setback and lot coverage variances were requested. Hardships were listed as the narrow shape of the lot along with the odd position of the house on the lot. It was noted that the garage on the property was large and took up much coverage, as it was originally a barn built in the 1800's. No one 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 22-008

Bailey Rail & Granary, LLC

34 Bailey Avenue

Attorney Robert Jewell represented the applicants. Mr. Jewell stated to the Board that the applicants purchased the property in 2020 to develop the 1.29-acre lot. The two buildings on the property were to be demolished. A complete environmental remediation was planned for the lot with protection for the wetlands and brook nearby. The property was first developed in the 1880's as a warehouse and currently a home heating energy company was adjacent. Applicants were seeking a variance to allow residential use on the lowest level of a proposed building on the site. The lot was in the Central Business Development zone. First floor residential use with frontage to the street, was prohibited under the zoning regulations. A total of 23 residential units were planned for the property along with commercial space. The variance request only involved two units in the rear building on the lowest level not facing Bailey Avenue. The Town Inland and Wetlands Board already approved the plans and environmental cleanup plan for the lot. The plans for the site would still need approval from the Architectural Advisory Committee and a special permit was needed.

Mr. Jewell stated to the Board that the unique design of the buildings had created hardship. Of the two planned buildings, one will be in the rear of the lot and not fitting for commercial space. It was also noted that the residential use will decrease the number of parking spaces required under the regulations. Also, the area was mixed use as neighboring lots contained houses. Mr. Jewell also detailed the zone change history within the Town over the last few years and how it created hardship for the applicant in getting approval.

Ellen Burns, a Parking Authority board member appeared to speak about the application. She asked that the ZBA continue the application to another date so the Parking Authority could formally submit a response to the proposed plans. Mr. Jewell replied that any parking questions would be addressed during the special permit process and the ZBA did not have jurisdiction over that decision. The Board agreed that any parking issues would be decided during hearing with the planning and zoning commission for a special permit. 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.

DECISIONS

Application 22-006

Ben Miraglia

12 Casa Torch Lane

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct a single car attached garage to a single-family home within the minimum yard setback; for property in the RAA zone located at 12 Casa Torch Lane.

Application 22-008
Bailey Rail & Granary, LLC
34 Bailey Avenue

VOTED: To Grant, a variance of Section 5.1.D.6., uses requiring special permit, to allow residential use on the lowest level of the building; for property in the CBD zone located at 34 Bailey Avenue.

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 proposed two residential units will be located in the rear building of the lot, lowest level, and therefore not face Bailey Avenue or any other commercial areas.
2. The addition's plans and drawings will be finalized after additional reviews by the Architectural Advisory Board and during the special permit application process the project will be subject too.

The Board voted this action for the following reasons:

1. This zoning regulation was intended to exclude frontage to the street of residential units on first floors and remain solely for commercial spaces. Due to the unique location and configuration of this lot, including a rear building that will exclude frontage to a street and is instead directed to woods and residential properties, considering these two residential units to be prohibited by this regulation presents an unusual hardship that justifies the grant of a variance requested in this case.
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 9:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator