

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

July 12, 2023

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on July 12, 2023. Copies of recordings of the meeting may be obtained from the Administrator.

The Chairman called the special 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 Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Byrnes will be sitting for Mr. Lycoyannis at Mr. Lycoyannis's request. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes.

Application 23-012

Willard Lawless

20 West Lane

Mr. Lawless appeared for his application. He is the new owner of a restaurant, The Benjamin at 20 West Lane. The property was formerly a restaurant, Bernard's, for the past 22 years. Mr. Lawless would like to continue to use the size and casement of Bernard's sign for the new restaurant, 29 sq. ft total. Under the zoning regulations, only 20 sq. ft for signage was permitted. No previous variances were granted to the property for the sign. The Historic District Commission, which the property is under jurisdiction, previously approved the new sign at the current size. It was noted that the new sign was actually smaller in size, as a hanging portion was no longer present. This resulted in a reduction of the sign nonconformity.

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

Application 23-013

Skyview Ventures/Davis Hill Development

Owner of Record: Town of Ridgefield

750 North Salem Road

Micah Brill of Skyview Ventures in Greenwich, Connecticut appeared along with Jake Muller the facilities manger for the Town of Ridgefield.

They explained to the Board, that the Town would like to install at Ridgefield High School and Scott's Ridge Middle School, solar pole mounted arrays on carports in the student parking lot. The proposed height for the carports was 13-19.5 feet. The 19.5 ft. height was necessary for the carport to slope in order to project the structure from snowfall. This height was also required to allow vehicles and buses to move and park underneath. The Town expected the solar arrays would be allowed under the current zoning regulation for solar energy systems, but the regulations do not list carports and height is limited to 12 ft. The regulation was primarily written for residential properties. The planning and zoning commission plans to revise this regulation in the near future to include carports and increase the height allowed. Mr., Brill stated similar carports were installed in the Fairfield public schools. All energy obtained from the carports would be used for the schools. The carports would cover 53,700 sq ft., the total parking lot area was 104,000 sq. ft. A hardship was listed as public safety for the emergency vehicles.

Dwayne Escola from Ridgefield's Energy Task Force appeared in favor of the application. He also submitted a written statement and photos. He stated that the solar project was three years in the making, mainly funded from grants and would result in lower energy costs for the Town. Howard Emond also appeared in favor of the application. He stated to the Board that he analyzed the proposed plans and believes the project will counter act climate change and is not unpleasant to view. Several other residents wrote letters in favor of the application.

Ms. Bearden-Rettger expressed concerns that the variance was asking for too large of a height increase, 12 ft to 19.5, an increase of 60%. She questioned if they ZBA by granting this variance, would actually be writing the new zoning regulation. Mr. Seavy questioned if the new regulation would actually allow carports up to 19 ft., so the Board should review this application on its own merit. Mr. Cole stated the 60% increase was necessary to complete this specific project and the Board needed to look solely at this application not a possible regulation adopted in the future. Ms. Bearden-Rettger thought more public input, likely from public hearings the Commission would have prior to a zoning change, would decide such details. Mr. Pastore stated that the ZBA hearing was public as well and the Board did not get any opposition to the application. Mr. Brill stated that during the two P&Z hearings on the project, there was no negative comments from the public. Ms. Bearden-Rettger suggested the Town wait until the new regulation is passed since the project likely will not be started before the start of the school year. Mr. Muller replied that by granting the variance the procurement of material to start the project could at least commence.

No one else appeared to speak for or against the application. A decision is found at the end of these minutes.

DECISIONS

Application 23-012 Willard Lawless 20 West Lane

REQUESTED: a variance of Section 7.2.D.2.C., signs permitted in residential districts, to allow a sign larger than 20 square feet; for property in the RA zone located at 20 West Lane.

DATES OF HEARING: July 12, 2023
DATE OF DECISION: July 12, 2023

VOTED: To Grant, a variance of Section 7.2.D.2.C., signs permitted in residential districts, to allow a sign larger than 20 square feet; for property in the RA zone located at 20 West Lane.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Byrnes, Cole, 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 sign 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 permit 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 Historic District Commission has authority over the property and approved the submitted sign change. The previous business signage was in use for over 20 years. This has created an unusual hardship that justifies the granting of a variance in this case. It is noted that the approved sign is smaller than the pre-existing sign and will result in a reduction of nonconformity.
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 23-013
Skyview Ventures/Davis Hill Development
Owner of Record: Town of Ridgefield
750 North Salem Road

REQUESTED: a variance of Section 7.16.F.2.d, requirements for solar energy systems, to allow pole mounted solar arrays higher than permitted; for property in the RAA zone located at 750 North Salem Road.

DATES OF HEARING: July 12, 2023
DATE OF DECISION: July 12, 2023

VOTED: To Grant, a variance of Section 7.16.F.2.d, requirements for solar energy systems, to allow pole mounted solar arrays higher than permitted; for property in the RAA zone located at 750 North Salem Road.

VOTE: To Grant: 4 To Deny: 1

In favor
Byrnes, Cole
Pastore, Seavy

Deny
Bearden-Rettger

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 pole mounted solar arrays 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 permit application shall be the same as those submitted and approved with the application for variance.

The Board voted this action for the following reasons:

2. The proposed height of the car ports for the pole mounted solar arrays is required for emergency vehicles and buses to safely access the school. This necessary public safety issue has created a hardship that justifies the grant of a variance in this case.
3. 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 8:30 pm.

Respectfully submitted,

Administrator