

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

October 16, 2023

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on October 16, 2023. 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 meeting. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes.

NEW APPLICATION

Application 23-017

The Trustees of the George A Craig Revocable Trust u/d February 16, 2011 and Susan E. Craig Revocable Trust u/d February 16, 2011
61 Lee Road

Attorney Robert Jewell represented the applicants. Mr. Jewell entered into the record additional maps of the lot and zoning regulations to further explain the application to the Board. He stated the property was purchased by the applicants in 1991 and now was owned by a Trust created by the owners. The lot was just over 11 acres in the RAA zone. The lot had a single-family home with a pool and cabana. House was built in 1940 in the R1 zone, later upzoned to RAA in 1964. Lot was originally multiple lots when purchased and merged into one lot by applicants after purchase. Applicants would now like to create a 1-acre lot out of the 11-acre property to gift to their children and build a neighboring house.

Mr. Jewell explained to the Board that under the regulations there were two types of subdivisions. There was a conventional subdivision that would allow up to four, 2-acre lots with 1-acre donated to open space. Then there was a Planned Residential Development (PRD) subdivision which allowed for smaller lots with larger open space land donations. These PRD subdivisions created a larger setback to protect the larger lots adjoining the newly created lots and require a 50 ft. setback. The applicants planned on doing a PRD to create the one-acre lot for their children, their remaining house on 6 acres and a planned donation of 3.75-acres. The one-acre lot would be accessed thru Lee Road. The variance application was for the existing pool cabana that was currently at 35ft. from the property line. A PRD has a required 50 ft. setback, so the PRD could not be created with the current cabana setback. The Town attorney told applicants they would need to get a variance to allow the pool cabana to stay at 35 ft. Mr. Jewell stated as a hardship the property not being surrounded by any 2-acre lots, therefore the neighboring lots did not need the protection as cited in the regulation. Also, the removal or altering of the pool cabana would be problematic and could possibly disturb the land and topography. The addition of 3.75 acres instead on the 1-acre required donation under a conventional subdivision was also highlighted. The applicant would also have to get this PRD plan approved by the Inland Wetlands Board and get a special permit from the planning and zoning commission.

Mr. Lycoyannis asked if this planned subdivision was a self-created hardship. Mr. Pastore agreed it appeared to be self-created. Mr. Jewell replied that the lot could legally be subdivided but the PRD regulations are preventing the subdivision from becoming legally nonconforming. Mr. Jewell further stated that really any improvement wanted by

a property owner could be considered a self-created hardship. This variance was only for the cabana structure and the larger open space would benefit the Town. Mr. Pastore asked if the applicants would accept as a condition if granted, that the PRD only be formed as described at this hearing. Mr. Jewell agreed.

Several neighbors appeared at the hearing. A few general questions about the project and regulations were answered. An abutting neighbor had questions about a shared accessway to the lot. Ms. Bearden-Rettger told them to attend future special permit hearings with the planning and zoning commission for such questions as those matters were not before the ZBA in this application.

Just prior to the hearing, it was identified that the regulation noticed in the legal advertisement was missing a section reference. The Board also stated they wished to edit the description of the application in the legal advertisement as well.

A continuance was granted to the November 6th meeting to revise the legal advertisement and also to review a legal case mentioned by Mr. Jewell at the hearing.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:20 pm.

Respectfully submitted,

Kelly Ryan

Administrator