

ZONING BOARD OF APPEALS OF RIDGEFIELD
APPROVED MINUTES OF MEETING

June 3, 2024

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on June 3, 2024. Copies of recordings of the meeting may be obtained from the Administrator.

The Chair 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, Alexander Lycoyannis and Robert Byrnes.

ROTATION OF ALTERNATES

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

NEW APPLICATIONS

Application 24-021

William and Sarah Bernhardt

116 Oscaleta Road

Mr. and Mrs. Bernhardt appeared for their application. They were requesting a detached garage addition in the front of the property. The house was built in 1932 prior to the enactment of zoning regulations. They stated the lot was long and narrow, the front yard was the only place on the property the garage would fit. A setback variance was requested to allow the garage placement at 30' from the property line in the RAAA zone with 50' setback requirement. Mr. Cole asked about the flat, open space available in front of the house and why that location for the garage was not considered. Mr. Bernhardt replied that area contained septic collection chambers that pump out to the leaching fields in the back of the lot. The property also contained a creek.

No one appeared to speak for or against the application. Two emails from neighbors in support of the application were forwarded to members prior to the hearing. A Decision can be found at the end of the minutes.

Application 24-022

KAKE, LLC

162 Danbury Road

Attorney Robert Jewell appeared along with Philip Kearns, the principal officer of KAKE, LLC. Mr. Jewell stated the application was to increase the permitted density on the lot. Currently the building had vacant office space on the second floor and planned to convert that space into 4 residential units ranging in size from 700-840 sq ft. Due to the regulations for the B3 zone, and the size of the lot, .83 acres, only 2.2 units would be permitted. The applicants have been unable to find commercial tenants for several years. The most common inquiry for space was for medical offices, but under the regulations the lot did not have enough required parking spaces.

Mr. Jewell stated to the Board that the property was a residential home until 1990, later rezoned to nonretail commercial, then the current B3 zone about 20 years ago. B3 was a mixed zone, commercial and residential. Various hardships were listed relating to housing units being very desirable in Town, while office space was currently undesirable as many people continue to work from home post pandemic. Also, the combination of residential and commercial uses on the same floors presented security and professional issues for landlords. A map from 1980 was submitted that showed the

State took 1.06 acres from the formerly 1.86-acre property for the construction of a damn for flood control. If this had not occurred, the lot would have been eligible for the 4-dwelling units as the regulations allow 2 residential units per acre. Several Board members stated that the taking of land by the State was the only true hardship presented. Mr. Kearns stated that all units would have access to stairs and elevators and would be ADA compliant. Mr. Jewell said the applicants would agree to make one of the units, if approved, affordable under the regulations if the variance was granted. Some Board members did not agree with an affordable provision condition, as it was not pertinent to the application.

No one appeared to speak for or against the application. A Decision can be found at the end of the minutes.

Application 24-023
Neil Casey, agent for Jonathan and Mary Beth Webb
6 Island Hill Road

Mr. Casey appeared along with the home owners Mr. and Mrs. Webb. The submitted plans were to add a garage under an existing 2nd story deck. The lot was in the R20 zone and nonconforming to setbacks with the house currently at 16.6’ from the side setback line. No increase in the setback was requested. The deck plans showed an additional 6’ or 509 sq ft. The house built in 1929, was close to the front property line and was the lot long and narrow.

No one appeared to speak for or against the application. A Decision can be found at the end of the minutes.

Application 24-024
Nicholas Ktorides and Paula Alonso Perez
1 Peaceable Hill Road

The applicants appeared along with their architect Arnold Gans. The submitted plans were to add a 5’ extension to the rear of their house. Originally, the plans included a detached carport addition, but that portion of the request was withdrawn prior to the hearing. The plans showed a kitchen addition with two room expansions on the second story. The house built in 1890 is .413 acres in the RAAA zone and was nonconforming to side setbacks. The proposed addition will not increase that nonconformity.

No one appeared to speak for or against the application. A Decision can be found at the end of the minutes.

ADMINSITRATIVE

Approval of May 13, 2024 meeting minutes.
All approved.

DECISIONS:

Application 24-021
William and Sarah Bernhardt
116 Oscaleta Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a garage structure within the minimum yard setback; for property in the RAAA zone located at 116 Oscaleta Road

DATES OF HEARING: June 3, 2024
DATE OF DECISION: June 3, 2024

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a garage structure within the minimum yard setback; for property in the RAAA zone located at 116 Oscaleta Road

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Cole, Lycoyannis, Byrnes, Seavy	

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 addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision.
2. 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 topography of the property, the location of a creek, and the narrow shape of the undersized lot that predates zoning regulations, combine to create unusual hardships on this property and justifies the granting of a variance in this case..
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 24-022
KAKE, LLC
162 Danbury Road

REQUESTED: a variance of Section 5.4.D.4.c, uses requiring special permit, to allow 4 dwelling units exceeding the maximum total units allowed; for property in the B-3 zone located at 162 Danbury Road.

DATES OF HEARING: June 3, 2024
DATE OF DECISION: June 3, 2024

VOTED: To Grant, a variance of Section 5.4.D.4.c, uses requiring special permit, to allow 4 dwelling units exceeding the maximum total units allowed; for property in the B-3 zone located at 162 Danbury Road.

VOTE: To Grant: 4 To Deny: 1

<u>In favor</u>	<u>Deny</u>
Byrnes, Cole, Lycoyannis, Seavy	Bearden-Rettger

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 building renovations shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision.
2. 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 State of Connecticut took 1.06 acres from the lot in 1980 in order to construct a damn for flood control. If that act had not occurred, the lot would have remained at 1.86 acres and would be entitled to 4 residential units. This has created a hardship that justifies the granting of a variance.
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 24-023
Neil Casey, agent for Jonathan and Mary Beth Webb
6 Island Hill Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of a garage with a deck above within the minimum yard setbacks; for property in the R20 zone located at 6 Island Hill Avenue

DATES OF HEARING: June 3, 2024
DATE OF DECISION: June 3, 2024

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of a garage with a deck above within the minimum yard setbacks; for property in the R20 zone located at 6 Island Hill Avenue

VOTE: To Grant: 5 To Deny: 0

In favor Deny
Bearden-Rettger, Cole, Lycoyannis,
Byrnes, Seavy

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 addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision.
2. 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 house was constructed in 1929 prior to the enactment of zoning regulations. The topography and shape of the lot, creates hardships that justify the granting of a variance in this case.
2. It is noted that the addition will not further encroach on the setback.
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.

Application 24-024
Nicholas Ktorides and Paula Alonso Perez
1 Peaceable Hill Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an addition to an existing home within the minimum yard setbacks; for property in the RAAA zone located at 1 Peaceable Hill Road.

DATES OF HEARING: June 3, 2024
DATE OF DECISION: June 3, 2024

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition to an existing home within the minimum yard setbacks; for property in the RAAA zone located at 1 Peaceable Hill Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Deny

Bearden-Rettger, Cole, Lycoyannis,
Byrnes, Seavy

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 addition shall be located exactly as shown on plans and drawings presented to the Board during the hearing and made part of this decision.
2. 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. Built in 1890, the house predates zoning regulations and the lot is undersized at .413 acres in the RAAA zone. These factors create hardships that justify the granting of a variance in the case.
2. It is noted that the addition will not further encroach on the setback.
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,

Kelly Ryan

Administrator