

ZONING BOARD OF APPEALS OF RIDGEFIELD
APPROVED MINUTES OF SPECIAL MEETING

September 16, 2024

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on September 16, 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 Michael Stenko.

ROTATION OF ALTERNATES

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

NEW APPLICATIONS

Application 24-025
ANB Enterprises LLC
680 Danbury Road

This application was withdrawn prior to the start of the meeting.

Application 24-028
Steven Bronfield
5 Palmer Court

Attorney Robert Jewell appeared for the applicant Steven Bronfield who was also present. Project architect Doug MacMillan was also present. Mr. Jewell stated to the Board that the application was for a rear setback variance for the installation of an in-ground pool. A previous variance application, that was later withdrawn, had the pool closer to the property line and larger in size at 20x40. Those plans were revised to change the pool to 18x36 and moved further from the setback. The current application also proposes an 18x36 pool, at 16' from the rear setback. The lot was in a planned resident development with a 25' rear setback. Mr. Jewell submitted several documents to the file including the March 2024 report from HydroQuest, a Wetland Delineation Report, subdivision maps and former and current zoning regulations. Mr. Jewell reviewed the submitted maps and regulations with the Board. The lot was originally a seven-lot subdivision. In 1974 a planned residential development was created with a 0' setback. In 2000 that setback was changed to 25'. Applicant purchased the property in 1997. The property was near the Norwalk River with wetlands present. Previously the wetland review area was 50'. Currently the wetland upland review is 100'.

Project architect Doug MacMillan also appeared to discuss the plans for the pool. He again stated only a rear setback variance was requested for the 18x36 pool. The proposed location was 25' from the well and 8' from the wetland upland review area. A stormwater, drainage system will be created in the front of the property. Mr. MacMillan further stated that the report from HydroQuest stated the lot was positive for pool construction. Hardships were listed as the boundaries for the well and wetlands creating limited space for the pool location, the change in setback from changes in the zoning regulations.

Adela Booth of 7 Palmer Court appeared. Mr. and Mrs. Booth previously submitted letters against the granting of a variance for the pool. She further stated to the Board that

the applicant’s property also floods after rain events along with her neighboring property. She stated that a recent storm caused substantial flooding on her property and the surrounding area. Photos of the flooding were submitted with her most recent Board letter. Mr. Jewell replied that the recent rain event closed part of the neighboring Route 7 due to the Norwalk River and surrounding streams flooding. It had nothing to do with the applicant’s property and the setback of a pool would not prevent future flooding of the river. Mr. Jewell further stated the hydrologist report addressed the possibility of additional flooding. Mrs. Booth had stated that the First Selectman had mentioned an independent report from a hydrologist could be conducted and paid for by the applicant. Mr. Jewell replied that other town boards can have in their fee schedules independent report requests but it was not a practice of the ZBA.

No one else appeared for or against the application. A decision can be found at the end of the minutes.

Application 24-029
YKM 120 Ivy LLC
120 Ivy Hill Road

Yishaya Marks appeared for the application. He stated to the Board that the application was for revisions to the variance the property was granted in April 2024, #24-016. That variance was to demolish the existing house located within the setbacks and rebuild a house on the same footprint. The newly submitted plans revised the roof line and added 3 dormers. Mr. Marks stated the footprint of the house would remain the same. Mr. Cole asked if the current plans included setbacks for the eaves or gutters. Mr. Marks replied he was unsure if the architect included the gutters on each side of the house. The Board also questioned if some of the setback numbers were final as the language was unclear on calculation sheet.

The Board stated that they would need to vote on exactly what was presented and suggested a continuance so Mr. Marks could confirm the numbers with the surveyor.

A continuance was granted to the September 23 meeting.

ADMINISTRATIVE

The Board delayed the approval of July 15, 2024 meeting minutes until the September 23 meeting.

DECISIONS:

Application 24-028
Steven Bronfield
5 Palmer Court

REQUESTED: a variance of Section 4.1.D.6., conventional PRD setbacks, to allow an in-ground pool to be installed within the required setback; for property in the RAA zone located at 5 Palmer Court.

DATES OF HEARING: September 16, 2024
DATE OF DECISION: September 16, 2024

VOTED: To Grant, a variance of Section 4.1.D.6., conventional PRD setbacks, to allow an in-ground pool to be installed within the required setback; for property in the RAA zone located at 5 Palmer Court.

VOTE: To Grant: 4 To Deny: 1

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

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 pool shall be located exactly as shown on the plans and drawings presented to the Board during the hearing and made part of this decision.
2. 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 building boundaries required from the wetlands, well and septic system limit the available space to locate the pool on the property.
2. When the applicant purchased the property the setback for PRD lots was 0'. A change in the zoning regulations to the now 25' setback creates a hardship. This, along with the location of the house towards the rear of the lot, justifies the granting 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 8:31 pm.

Respectfully submitted,

Kelly Ryan

Administrator