

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

SEPTEMBER 13, 2021

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 September 13, 2021. Copies of recordings of the meeting may be obtained from the Administrator at cost.

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 (Vice-Chair) 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 for tonight's meeting.

NEW APPEALS

Appeal No. 21-014

Paul N. and Suzanne Jaber

63 Prospect Street

Attorney Peter Olson represented the applicants, Mr. and Mrs., Jaber at the hearing. The Jaber's reside at 12 Sunset Lane and are abutting neighbors to 63-67 Prospect Street. They were appealing the issuance of the zoning permit dated April 9, 2021 to 63 Prospect Street. Mr. Olson provided a brief history of the recent ZBA and Planning and Zoning activity for this property. Under 2007 site plan, 21 units were approved for the lot. The permit being appealed was for an addition of one unit to an existing house on the lot. Mr. Olson detailed the 2007 site plan approval by the Planning and Zoning Commission comparing the zoning regulations that were in place in 2007 versus the current zoning regulations. The lot was located in the R5 zone in 2007, the lot was now in the MFDD zone. The current zone, MFDD, has reduced density requirements, different setbacks, building distance requirements and allowable parking spaces, compared to the former R5 zone. However, under Sec. 8-2H, the site plan approval still fell under the 2007 R5 zone regulations and does not have to adjust to the zoning change. The zoning permit issued on April 9, 2021 was for only one unit to be added to an existing structure on the lot. The permit was not for any additional buildings to be constructed. Mr. Olson stated to the Board that the 2007 site plan approval and the 2021 plans submitted during a landscape plan hearing before the Planning and Zoning Commission in March of 2021 varied differently, including number of stories, basements, living space and parking spots. Mr. Olson stated their position was the 2007 site plan was so different than what was submitted in 2021 for the landscape plan approval, that a revised site plan should be required. Mr. Olson also stated that the plans for the additional unit to the existing structure showed storage space on the lower basement level next to the garage, while an earlier set of plans called it living space. The regulations do not allow for basement living space. The applicants state that because of these differences, the zoning permit issued to the lot for the additional unit on the existing structure should be revoked and a new site plan should be submitted to the Planning and Zoning Commission for review and approval.

Richard Baldelli, the Zoning Enforcement Officer who issued the zoning permit, appeared before the Board. He stated to the Board that the only issue for the Board to decide was the zoning permit for the addition to the existing structure. Any future development on the lot was not an issue for this appeal. Mr. Baldelli agreed that the plans that were submitted in March 2021 differed from the 2007 approved plans, but those plans did not have to be exactly alike. Changes to site plans were allowed unlike a special permit or variance, where plans must remain exactly as approved. Mr. Baldelli

further stated site plans are often revised and believed the most recent plans meet all parking requirements. Zoning permits would be issued for each building development plan submitted for the property. Mr. Baldelli said he could not deny the property owners a zoning permit because they may possibly violate a zoning regulation in the future.

Attorney William Hennessey appeared on behalf of the property owners of 63-67 Prospect Street. Mr. Hennessey also reminded the Board that the only issue to decide at the hearing was the permit for the addition to the existing structure. Mr. Hennessey also stated that the approved 2007 site plan was never appealed in the timeframe allowed under the regulations and the landscape plan review on March 9, 2021 was being now appealed by applicants to the Superior Court. He further stated that unlike a special permit or ZBA variance, changes can be made to a site plan as long as those changes are under the regulations.

The Board asked for and received confirmation from all parties that they were only being asked to decide if the zoning permit issued for the addition to existing structure was proper.

No one else appeared to speak for or against the appeal and the hearing was concluded. A decision can be found at the end of these minutes.

Appeal No. 21-020

Steven March

351 Main Street

This appeal was continued to the September 20 ZBA meeting.

Appeal No. 21-021

Paul Harris

26 Old Washington Road

This appeal was continued to the September 20 ZBA meeting.

Appeal No. 21-022

Gordon Surbey

6 Ramapoo Road

This appeal was continued to the September 20 ZBA meeting.

DECISION

The legal notice for this appeal read as follows:

For an appeal of the decision of the Zoning Enforcement Officer for the issuance of a zoning permit for construction of an addition to an existing structure; for property in the MFDD zone located at 63 Prospect Street.

DATES OF HEARINGS: September 13, 2021

DATE OF DECISION: September 13, 2021

By a vote of five (5) to sustain the decision and zero (0) to reverse the decision, the Board voted to sustain the decision of the Zoning Enforcement Officer for the issuance of a zoning permit for construction of an addition to an existing structure; for property in the MFDD zone located at 63-67 Prospect Street.

VOTE:	<u>To Sustain</u>	<u>To Reverse</u>
	Bearden-Rettger, Cole, Fincham, Pastore, Seavy	

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator