

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

SEPTEMBER 20, 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 20, 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.

CONTINUED APPEALS

Appeal No. 21-020

Steven March

351 Main Street

This appeal was continued to the September 13 ZBA meeting.

Attorney Robert Jewell appeared for the applicant Steven March, who was also present. Mr. Jewell stated to the Board that the applicants were requesting lot coverage and floor area ratio variances to add an attached garage to the rear of the house. The house was a former property of the neighboring St Stephen Church and has been used primarily for nonresidential purposes. It was located in the RA zone but was in Historic District 1 in the Town. The proposed garage was on the basement level as the lot sloped downwards in the rear, with a deck on top of the structure. A fire escape on the rear of the house was to be removed. The proposed 3-car garage was approved by the Historic District Commission. Mr. Jewell listed hardships as the house being returned to a residential use as supported in the Town's Plan of Conservation and Development, and in turn, a reduction in nonconformity. Also, the introduction of zoning regulations and bulk regulations for this historic property built in 1900, caused hardship. Mr. Jewell also stated the proposed garage could not be viewed from Main Street.

Dan O'Brien the chair of the HDC appeared. He stated to the Board that the HDC approved and was very pleased with the March's plans for the house as they wanted the house to be preserved. William Murrell a representative of neighboring St. Stephens, also appeared and expressed support for the proposed plans.

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

Appeal No. 21-021

Paul Harris

26 Old Washington Road

This appeal was continued to the September 13 ZBA meeting.

The property owner, Paul Harris appeared for his application. Mr. Harris went thru and described the plans and documents he submitted for his application. He was requesting a setback variance 10 ft from the side setback line to construct a detached garage. Mr. Harris noted, the proposed plans had the garage 70' from his neighbors house and 23' from the street level and therefore not visible from the road. The garage was a carriage barn 18x24 with a second story loft. A letter in support from the neighbor at 30 Old Washington Road was included in the submitted materials.

Mr. Harris listed hardships as no other suitable location to place the garage structure. Leaching fields were located in the front of the lot and the septic tank was in the rear of the lot between the proposed location and the house. The Board suggested he discuss possible solutions with a septic company and return at a later date with possible revised plans.

No one else appeared to speak for or against the application and the hearing was concluded. The applicants were granted a continuance until a future meeting to consult with a septic company.

Appeal No. 21-022

Gordon Surbey

6 Ramapoo Road

This appeal was continued from the September 13 ZBA meeting.

Architect Doug MacMillan represented the applicant. The house built in 1926, was requesting a side setback variance for a 2-story addition. House was in the R20 zone and would need a variance anywhere an addition was planned. House was nonconforming to setbacks on all sides. The size of the lot was .23 acres. The proposed plans were still under for lot coverage and floor area ratio. Mr. MacMillan listed hardships as the house predating zoning regulations, and the lot being an odd shape and undersized.

No one appeared to speak for or against the application and the hearing was concluded.

A decision can be found at the end of these minutes.

NEW APPEAL

Appeal No. 21-023

Matthew and Robin Gironda

29 Maple Shade Road

Home owner Matthew Gironda appeared for his application. He stated he was requesting a setback variance for an addition above an existing garage. The garage was already nonconforming to setbacks at 19.3 ft from the lot line. The proposed addition was for a second story above the garage, no increase in the footprint. The garage was built after the lot receives a variance in 1979. Hardships included the odd shape and position of house on the undersized lot, .733 acres in the RA zone. Mr. Gironda stated the addition would add 22 ft to the garage height with no new overhangs that would increase the setback. The Board reminded him that the addition setback number must be exactly what was submitted and approved by the Board.

No one appeared to speak for or against the application and the hearing was concluded.

A decision can be found at the end of these minutes.

DECISIONS

Appeal No. 21-020

Steven March

351 Main Street

REQUESTED: variances of Section 3.5.F., lot coverage and 3.5.G., floor area ratio, to allow construction of an attached garage that will exceed the maximum permitted lot coverage and floor area ratio; for property in the RA zone located at 351 Main Street.

DATES OF HEARING: September 13, 20, 2021

DATE OF DECISION: September 20, 2021

VOTED: To Grant, variances of Section 3.5.F., lot coverage and 3.5.G., floor area ratio, to allow construction of an attached garage that will exceed the maximum permitted lot coverage and floor area ratio; for property in the RA zone located at 351 Main Street.

VOTE: To Grant: 5 To Deny:

In favor
Cole, Bearden-Rettger,
Fincham, Pastore, Seavy

Opposed

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 addition 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 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. Returning this property to a conforming use after more than 60 years of non-confirming use is a substantial reduction in non-conformity for the property.
2. The introduction of zoning regulations in 1946 and bulk zoning regulations in 2003 created unusual hardship as this structure was built in 1900 and had accordingly vested with rights under the previous regulations.
3. The topography of the sloping lot also creates a hardship as the proposed garage is on the basement level to the rear of the house
4. The proposal is in harmony with the general scheme of development in the area and the Town’s Plan of Conservation and Development and will have no negative impact on surrounding properties.

Appeal No. 21-022
Gordon Surbey
6 Ramapoo Road

REQUESTED: a variance of Section 3.5.H., setbacks, to construct an addition to a single-family house within the minimum yard setback; for property in the R-20 zone located at 6 Ramapoo Road.

DATES OF HEARING: September 13, 20, 2021

DATE OF DECISION: September 20, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct an addition to a single-family house within the minimum yard setback; for property in the R-20 zone located at 6 Ramapoo Road.

VOTE: To Grant: 5 To Deny:

In favor
Cole, Bearden-Rettger,
Fincham, Pastore, Seavy

Opposed

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 addition 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 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 built in 1926 predates zoning and was made nonconforming when zoning was adopted in 1946. This fact, combined with the odd shape of the undersized lot, presents an unusual hardship that justifies the grant of the variance in this case. The proposed plans do not increase the nonconformity of the lot.
2. The proposal is in harmony with the general scheme of development in the area and the Town’s Plan of Conservation and Development and will have no negative impact on surrounding properties.

Appeal No. 21-023
Matthew and Robin Gironda
29 Maple Shade Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a 2nd story addition to a single-family house within the minimum yard setback; for property in the RA zone located at 29 Maple Shade Road.

DATES OF HEARING: September 20, 2021

DATE OF DECISION: September 20, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a 2nd story addition to a single-family house within the minimum yard setback; for property in the RA zone located at 29 Maple Shade Road.

VOTE: To Grant: 5 To Deny:

In favor
 Cole, Bearden-Rettger,
 Fincham, Pastore, Seavy

Opposed

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 addition 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 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 odd shape of the undersized lot, along with the location of the house of the lot, all combine to present an unusual hardship that justifies the grant of a variance in this case. The proposed addition does not increase the nonconformity of the lot as other structure elements are already closer to the lot line than that of the proposed addition.
2. The proposal is in harmony with the general scheme of development in the area and the Town’s Plan of Conservation and Development and will have no negative impact on surrounding properties.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:30 pm.

Respectfully submitted,

Kelly Ryan
 Administrator