

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

October 17, 2022

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 October 17, 2022. Copies of recordings of the meeting may be obtained from the Administrator.

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, Terry Bearden-Rettger, Mark Seavy, Joseph Pastore and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Byrnes will hear the continued application and the new application for Mr. Cole. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

CONTINUED APPLICATION

Application 22-022
Richard Liontonia
81 Whipstick Road

Architect Doug MacMillan again appeared for the applicant. Mr. MacMillan submitted new plans that showed the proposed garage addition rotated at now 21' from the lot line with less area in the setback. The original submitted plans placed the addition at 19' at all points. The lot was 1.02 acres in the RAA zone that required 35' setback. Mr. MacMillan stated that the undersized lot, likely upzoned, was nonconforming to setbacks on the opposite side, house at 26'. The lot was narrow and odd shaped with wetlands in the rear. The proposed plans were under the allowable amounts for lot coverage and floor area ratio, therefore Mr. MacMillan stated, there was nowhere to expand. A drainage easement shown on a submitted map, discussed at the first hearing, was confirmed to be owned by the neighboring property.

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

NEW APPLICATION

Application 22-023
John and Jane Scarbrough
47 New Street

John and Jane Scarbrough appeared for their application. They stated to the Board that they own the farmhouse and detached barn that were built in 1920. The submitted plans were to convert the barn into a 2-car garage. The current wood floor of the barn would need to be stabilized for a garage, so plans were to demolish it and rebuild it larger from 18.5 x 24 to 22 x 24. The enlargement would be outside the current setback at 5'. Lot was in the R20 zone. The plans were to add an additional 80 sq ft to the structure, so a lot coverage variance was also requested. The lot was already over the allowable amount for lot coverage. Mr. Fincham stated that due to the barn existing before zoning regulations a setback hardship was clear, but he was unclear on a hardship for lot coverage. Mrs. Scarbrough stated that parking in their driveway was difficult so a garage was needed. Cars parked on New Street created safety issues on the narrow street. Neighbor Fran Rich of 45 New Street appeared. She asked for confirmation that the existing barn would be demolished. Applicants confirmed it would be. The original foundation would likely not be saved for use. Ms. Rich agreed that there was a safety

issue with automobiles blocking driveways on New Street, so she was in favor of the proposed plans. Chris and Mary Conroy of 51 New Street appeared and stated they supported the garage plans. Mr. Fincham asked if the new garage could be moved further than 5’ from the setback, so a car could be parked next to it. Mrs. Scarbrough replied the garage could then be too close to the septic and would take up most of the backyard. Mrs. Scarbrough requested a continuance to revise their plans, possibly building the garage smaller than the 24’ length to save on lot coverage.

No one else appeared to speak for or against the application. This hearing was continued to the November 7 meeting.

ADMINISTRATIVE:

BOARD DISCUSSION

Following the conclusion of the new applications, the Board voted return to in person hearings in January 2023.

LEGAL SESSION

ZBA attorney Patricia Sullivan appeared, along with attorneys representing various parties in two actions filed against the ZBA, *Jaber v ZBA of the Town of Ridgefield and Pierandri Realty LLC and the Giardini Limited Partnership v the ZBA of the Town of Ridgefield*. Ms. Sullivan explained to the Board that the parties were interested in settling the cases and asked for this session to check if the ZBA would be interested in settling the cases as well. Attorney Meghan Miles representing Pierandri Realty LLC and the Giardini Limited Partnership appeared and confirmed the Jaber’s and Pierandi’s reached a settlement agreement. She shared with the Board the proposed site plan and dimensions approved by both parties. The ZBA would have to unrevoked the zoning permit issued by the zoning enforcement officer and would be approving the newly agreed upon site plan. Mr. Fincham stated the Board would have to compare the changes with the site plans and documents related to the original ZBA decision. Future hearings would need to be held. Hearing for public comment would also be required. An additional hearing to discuss this settlement was set for the next ZBA meeting on November 7.

DECISIONS

Application 22-022
Richard Liontonia
81 Whipstick Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow 2-story addition within the minimum yard setback; for property in the RAA zone located at 81 Whipstick Road.

DATES OF HEARING: October 3 and 17, 2022

DATE OF DECISION: October 17, 2022

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow 2-story addition within the minimum yard setback; for property in the RAA zone located at 81 Whipstick Road.

VOTE: To Grant: 5 To Deny: 0

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

Deny

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 unusual shape of the lot that results in much of the acreage being well behind the house and in or near wetlands, while leaving the front portion of the lot narrow, creates a hardship that justifies the grant of a variance in this case.
2. The lot is also undersized (1-acre in the 2-acre zone), which also creates a hardship that justifies the grant of a variance in this case.
3. 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 9:00 pm.

Respectfully submitted,
Kelly Ryan
Administrator