

**ZONING BOARD OF APPEALS OF RIDGEFIELD**  
**MINUTES OF MEETING**

**November 7, 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 November 7, 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 22-023**

**John and Jane Scarbrough**

**47 New Street**

John and Jane Scarbrough appeared again for their application. They revised their submitted plans from the last hearing with their architect to shorten the length of the structure and eliminate the additional lot coverage variance request. The proposed garage was now 22' wide by 20' length with 6 sq ft. less of overall lot coverage for the property. Property was legal nonconforming to both lot coverage and setbacks. The setback would still be the same for the garage, 5' from the property line.

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

**NEW APPLICATION**

**Application 22-024**

**Nicholas and Lauren Schede**

**91 New Street**

Mrs. Schede appeared for the application. She stated to the Board that the submitted plans were for a 2-story addition on the left side of her home. Currently, the house was 26.9' from the side setback. Lot was in the R20 zone. The proposed plans had the addition at 10.9' from the setback. Mrs. Schede stated the narrow lot as a hardship and the leaching fields in the rear lot as hardships. House was built in 1932. Mr. Seavy asked if the applicants considered building upwards instead. Mrs. Schede replied that the addition would not serve its purpose and she wanted to keep the house in the character of the neighborhood. Mr. Fincham stated the lot was only slightly undersized at .45 acres in the R20 zone. Mr. Pastore and Ms. Bearden-Rettger stated the proposed plans showed a large addition. Mr. Fincham asked if applicants would consider conforming to the R10 setback of 12 ft. since they were claiming undersized lot as a hardship. Mrs. Schede said they would discuss the possibility of revising their plans with their builder.

No one appeared to speak for or against the application. A continuance was granted to the next ZBA meeting.

**ADMINISTRATIVE:**

An item on the agenda was an administrative item: the approval of the 2023 calendar. The following calendar was approved unanimously on a motion by Ms. Bearden-Rettger and seconded by Joseph Pastore.

January	9 <sup>th</sup>
February	6 <sup>th</sup>
March	6 <sup>th</sup> & 20 <sup>th</sup>
April	3 <sup>rd</sup> & 17 <sup>th</sup>
May	8 <sup>th</sup> & 22 <sup>nd</sup>
June	5 <sup>th</sup> & 19 <sup>th</sup>
July	10 <sup>th</sup> & 24 <sup>th</sup>
September	11 <sup>th</sup> & 18 <sup>th</sup>
October	2 <sup>nd</sup> & 16 <sup>th</sup>
November	6 <sup>th</sup> & 13 <sup>th</sup>
December	4 <sup>th</sup> & 11 <sup>th</sup>

**LEGAL SESSION**

ZBA attorney Patricia Sullivan appeared again, to discuss the Board settling 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 she believes it was in the Board’s interest to ask the Planning and Zoning Commission for their input on any settlement since it involves changes to the site plan. The ZBA does not approve site plans and did not approve the site plan originally granted to the property. All Board members agreed that the revised site plan approval was not under the usual ZBA purview and the Commission would be better suited to decide these details. Attorney Meghan Miles representing Pierandri Realty LLC and the Giardini Limited Partnership appeared. She stated that there will also be a public Court hearing to approve the settlement and appreciates the ZBA’s effort to start the approval process with the Commission. Peter Olson, attorney for the Jaber’s was also present, but had no comment.

On a motion by Mr. Pastore and seconded by Mr. Seavy, the ZBA asking for input and assistance from the Commission was approved by the Board.

**DECISIONS**

**Application 22-023**  
**John and Jane Scarbrough**  
**47 New Street**

REQUESTED: a variance of Section 3.5.H., setbacks, to enlarge an existing garage that is located within the minimum yard setback; for property in the R20 zone located at 47 New Street.

DATES OF HEARING: October 17, November 7, 2022  
 DATE OF DECISION: November 7, 2022

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to enlarge an existing garage that is located within the minimum yard setback; for property in the R20 zone located at 47 New Street.

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 garage 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 lot is undersized, .336 acres in the R20 zone, includes an existing house and barn structure, built prior to the enactment of zoning regulations which is nonconforming to setbacks and lot coverage. The new structure will occupy the same location with respect to the setback as the legally non-conforming structure and should therefore be granted a variance.
2. It is noted that the approved plans will actually result in a decrease in the legally non-conforming lot coverage without increasing the legally non-conforming setback incursion.
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 8:00 pm.

Respectfully submitted,  
*Kelly Ryan*  
Administrator