

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**March 1, 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 March 1, 2021. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Carson Fincham (Chair), Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Mark Seavy, and Joseph Pastore.

**ROTATION OF ALTERNATES**

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. No alternate was needed, so the rotation will stay the same for the next meeting.

**NEW APPLICATIONS:**

**Appeal No. 21-003**

**John Zaccone for 153 West Mountain Rd LLC**  
**153 West Mountain Road**

John Reilly, an architect who prepared the drawings for the applicants appeared. Mr. Reilly explained that one of the buildings on the property, the Gate House, was applying for a variance. The lot contained several residential structures. The frame of the Gate House, was not to code and increasing the pitch of the roof to 8x12 from the current 4x12 was proposed to bring it to up to code. The Board reviewed previous variance files to confirm which buildings applied to the current application and for hardships. A representative of the applicants, Melissa Bennett appeared and clarified which buildings on the lot pertained to the application.

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. 21-004**

**Sam Kaplan**  
**110 North Salem Road**

Architect Doug MacMillan appeared for the applicant. He stated to the Board that the house and barn on the property were built around 1860. The current owners wanted to use the barn for their food videography business. They were not asking for any increase in the size of the barn, they were asking for a variance to change the layout of the required parking and eliminating the required paving of the driveway for their home business occupation. Eight spots were needed including 5 for employees. A letter from the applicant's detailing their business operations was previously entered into the record. Currently, on average the home business used the barn workspace 3-5 a month. The regulation for parking for a home occupation required a 24 ft wide paved driveway with 9x18 parking spaces. The applicants did not want their driveway to appear as a commercial parking lot. Mr. MacMillan said he spoke with a neighbor, Marcia Ippoliti, and she and her family did not want to see the driveway expanded with blacktop. Mr. MacMillan stated that the zoning regulations that required a property-owner to make these changes was a hardship and devalues their property. He stated the required 24 ft wide driveway was unnecessary for work done only 3-5 times a month. A different

parking layout was requested with smaller spaces. Currently, the driveway was approximately 12 ft wide. A special permit would still be required for this home occupation.

Neighbor Phil Del Giudice of 99 North Salem Road spoke in favor of granting the application. Mr. Del Giudice said he viewed the property recently and had no concerns about the applicant's plans.

No one else appeared to speak for or against the application. The Board discussed if the parking spots written in the regulations were for employees based on the property, not freelance workers present on a limited basis. Also, discussed by the Board was if the correct regulation was cited in the legal notice. It was decided that the legal notice should be re-posted and a clarification of employee meaning should be obtained from the planning director. A continuance was granted till the March 15 meeting.

**Appeal No. 21-005**  
**Geoffrey and Martha Morris**  
**231 Ivy Hill Road**

Mr. Morris appeared for his application. The property was granted a setback variance in November 2020, #20-027 to rebuild a garage on the current foundation. Mr. Morris stated it was later determined that the foundation could not be reused and a new foundation would have to be built. Mr. Morris applied again for a slightly larger 2-story garage. The proposed plans showed a 16' wide structure, 28' feet deep. This was an increase from the 12' wide and 24' deep garage structure approved in #20-027. The garage was still proposed as 3' taller than the existing structure. The proposed height of the garage was allowed under the zoning regulations. Hardships listed in #20-027 were discussed and it was noted the new garage would not be closer to the setback line, the additional feet would be built away from the setback.

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, 21-003**  
**John Zaccone**  
**153 West Mountain Road**

REQUESTED: a variance of Section 8.1.B.4., nonconforming structures, to allow the expansion of a nonconforming structure on a parcel with multiple dwelling units; for property in the RAAA zone located at 153 West Mountain Road.

DATES OF HEARING: March 1, 2021  
DATE OF DECISION: March 1, 2021

VOTED: To Grant, a variance of Section 8.1.B.4., nonconforming structures, to allow the expansion of a nonconforming structure on a parcel with multiple dwelling units; for property in the RAAA zone located at 153 West Mountain Road.

VOTE: To Grant: 5 To Deny: 0

In favor  
Bearden-Rettger, Cole, 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 expansion for the building known as the Gate House, 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 same hardships that the Board found in ZBA variance's #13-019, #13-031, and #14-038 for reconstruction and modifications to buildings on this property continue to apply to this application.
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. 21-005**  
**Geoffrey and Martha Morris**  
**231 Ivy Hill Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow the replacement of an existing one-story garage with a two-story garage within the minimum yard setback; for property in the RAA zone located at 231 Ivy Hill Road.

DATES OF HEARING: March 1, 2021  
DATE OF DECISION: March 1, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow the replacement of an existing one-story garage with a two-story garage within the minimum yard setback; for property in the RAA zone located at 231 Ivy Hill Road.

VOTE: To Grant: 5 To Deny: 0

In favor  
Bearden-Rettger, Cole, 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. This property was granted a variance to rebuild the garage on the same footprint in #20-027. It was later determined that the foundation needed to be rebuilt. The changes from #20-027 do not increase the non-conformity as the increased footprint does not increase the protrusion into the setback, and the reasoning from #20-027 accordingly applies. This fact, along with the location of the existing garage on the lot and topography of the property represent an unusual hardship that justifies the grant of a variance in this case.
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 actionable 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