

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

March 20, 2023

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on March 20, 2023. Copies of recordings of the meeting may be obtained from the Administrator.

The Chair called meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Terry Bearden-Rettger, Sky Cole, Alexander Lycoyannis, Mark Seavy and Robert Byrnes.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Byrnes will be sitting for Mr. Pastore at his request. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

NEW APPLICATIONS

Application 23-003

Paula Reichler

331 Wilton Road East

Paula Reichler appeared for her application along with her contractor Dan Roe from Clark Construction. The submitted plans are for a kitchen bump-out addition with a dining area and enclosed sunroom. A setback variance was requested for the addition, 9.7' from the property line. The house was nonconforming to setbacks, in the RA zone at .52 acres. Hardships were listed as the location of the house on the odd shaped, undersized lot. Mr. Roe stated to the Board that the proposed location resulted in the least amount of encroachment on the setback. It was also noted by Ms. Reicher that the addition would not be visible to the closest neighbor.

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

Application 23-004

Marshall H Odeen

300 West Lane

Mr. Odeen appeared for his application along with his contractor Chuck Langham. Mr. Odeen stated his application was related to the accessory structure or cottage on his property. The submitted plans were for the attached porch to be screened- in with a roof so his mother-in-law and her cats could safely use the porch. The structure was very close, 10.3' from West Lane, creating a safety hazard for the cats if outside. Other hardships include the structure built in the 1700's, pre-dating zoning regulations, so therefore an expansion of a nonconforming structure variance was also requested. The screened-in enclosure would add an additional 430 sq ft in lot coverage to the property. Ms. Bearden-Rettger asked if the addition could be moved to the other side of the structure and outside of the setback. Mr. Langham replied that they wished to build on the existing patio which was part of the original foundation. He also hoped to not have to add a new door to the aging structure.

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

LEGAL SESSION

ZBA attorney Patricia Sullivan appeared, along with attorneys representing the other two 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*. An additional litigation is pending against the Planning and Zoning Commission from the Jaber's. Attorney Meghan Miles representing Pierandri Realty LLC and the Giardini Limited Partnership appeared and provided the Board with a brief history of this action before the ZBA and Planning and Zoning Commission along with the three pending litigations between the parties and the Town of Ridgefield. Prior to the meeting, Ms. Miles shared with the Board the revised settlement agreement between the parties and a revised site plan with landscape plan that was approved by the Planning and Zoning Commission at a previous hearing. The ZBA could still make changes and insert concerns to the agreement and plans. Both Ms. Miles and the attorney for Paul and Suzanne Jaber, Peter Olson, stated that the Superior Court has not provided a scheduling order yet in order for the parties to pursue a settlement. Ms. Sullivan further stated that in litigations, parties never know what could happen due to legal interpretations of the cases, so it was in the interest of all parties to settle. The cost of litigation was also a factor for the Town while discussing settlement.

The Board asked questions regarding the changes in the site plan now versus what was originally approved in 2007. These changes included a change in the setback with the neighboring complex, Wisteria Gardens, from 30 ft in 2007 to the planned 23' now. This was changed when units were lowered from 3 stories to 2 stories at the Jaber's request. The setback had to be moved to now accommodate enough parking for the planned 21 units. Spaces were planned for 39 parking spaces. It was requested that the site plan number the specific parking spots and their locations. Board members asked the parties to provide the exact changes from the original approved plan in 2007 versus what was proposed now in a visual format for easier review. Ms. Miles said those plans would be provided to the Board. The current plans still followed the 2007 zoning regulations in effect when approved in 2007. It was confirmed that the zoning regulations changed shortly after the original site plan was approved in 2007 and these plans could not be built under the current zoning regulations. The current setback in the multifamily zone was 50', in 2007 the setback was 30'. Ms. Sullivan stated to the Board that they were looking to resolve these matters and the proposed changes to the site plan were similar to an exchange or trade. It was also noted that the settlement has to be approved by the Court. Ms. Bearden-Rettger asked that the agreement stipulate that the lower living space be advertised as an office or den, not a bedroom. The Board and Ms. Sullivan also asked that the parties get preliminary site plan review from the Town Fire Marshal. Tom Pierandri, who was present, agreed to review the plans with the Fire Marshall.

Neighbors at Wisteria Gardens and other residents appeared to speak out against the settlement agreement and proposed plans. The major concern was the close setback to Wisteria at 23'. Additional concerns about the approved landscape plan and the effectiveness of the proposed tree plantings were also discussed. Residents were concerned they were not involved in any settlement discussions and questioned why the Jaber's concerns and wishes were the only concerns being negotiated. Ms. Miles stated to the Board that this was the 6th public hearing on the matter and the landscape buffer was added for the residents of Wisteria Gardens. The Board informed the residents that their concerns would be considered and asked Ms. Miles to further detail the reasonings for the proposed setback.

The hearing was continued to a future date to allow the attorneys to gather the requested materials by the Board and make the changes to the agreement and site plan asked by the Board.

DECISIONS:

Application 23-003
Paula Reichler
331 Wilton Road East

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a single-story addition within the minimum yard setbacks; for property in the RA zone located at 331 Wilton Road East.

DATES OF HEARING: March 20, 2023
DATE OF DECISION: March 20, 2023

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a single-story addition within the minimum yard setbacks; for property in the RA zone located at 331 Wilton Road East.

VOTE: To Grant: 5 To Deny: 0

In favor Deny
Bearden-Rettger Byrnes,
Byrnes, Cole, Seavy, Lycoyannis

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 permit 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 lot, the undersized lot, .52 acres in the RA zone, and the topography of the lot, creates an unusual hardship that justifies the granting of a variance in this case.
2. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties or on the Town's Plan of Conservation and Development.

Application 23-004
Marshall H Odeen
300 West Lane

REQUESTED: variances of Section 3.5.H., setbacks and 8.1.B.4.a., nonconforming structures, to allow the construction of a screened-in porch over an existing patio that will not meet the required setback; for property in the RAA zone located at 300 West Lane.

DATES OF HEARING: March 20, 2023
DATE OF DECISION: March 20, 2023

VOTED: To Grant, variances of Section 3.5.H., setbacks and 8.1.B.4.a., nonconforming structures, to allow the construction of a screened-in porch over an existing patio that will not meet the required setback; for property in the RAA zone located at 300 West Lane.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger Byrnes,
Byrnes, Cole, Seavy, Lycoyannis

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 the plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building permit 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 location of the structure on the lot, 10.3' from West Lane, pre-dates zoning regulations. This creates a hardship that justifies the granting of variances. It is noted, that the addition of a screened in porch will not increase the setback nonconformity, as it will be constructed on the original structure foundation.
2. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties or on the Town's Plan of Conservation and Development.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:35 pm.

Respectfully submitted,
Kelly Ryan
Administrator