

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

April 7, 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 April 7, 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), Terry Bearden-Rettger, Mark Seavy, Joseph Pastore and Michael Stenko.

ROTATION OF ALTERNATES

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. Mr. Cole was unable to sit for the new application, so Mr. Stenko sat for him. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Byrnes; third Mr. Stenko.

NEW APPLICATIONS:

Application No. 21-007
Theodore Schimenti
466 Ridgebury Road

Owner Theodore Schimenti appeared for his application. Mr. Schimenti stated that his home was originally built in 1830 close to the road and within the setback. The lot was now located in the RAAA zone with 50 ft setbacks. The proposed plans showed a 2-car garage to the north of the property near the driveway. Mr. Schimenti stated the property was an odd, triangle shaped lot and building outside the 50 ft setback was difficult. Mr. Schimenti further stated that the previous owner had buried a relative's ashes under a tree on the north side of the property and wanted to avoid that location and tree removal when proposing the garage. Ms. Bearden-Rettger stated the proposed structure could be pushed back further away from the road. He confirmed the proposed setback for the garage, 17.5 ft, was the same setback as the house. Mr. Fincham suggested conditioning the variance to state the garage could be no closer to the lot line than the existing house in case the surveyor errored. Mr. Schimenti agreed.

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

Application No. 21-008
James Prusko
188 Main Street

Attorney Robert Jewell and architect Peter Coffin appeared along with the applicant. Mr. Jewell stated that in addition to the variance, the application still required the approval of the Historic District Commission. He stated to the Board that the main house on the lot was built in 1787 and the accessory unit likely in the 1800's. The proposed plans were to construct a sunroom over the stone patio in the back of the main dwelling. The large stone patio to the rear of the main house does not factor into lot coverage and floor area ratio calculations but a sunroom with roof and walls would count towards those dimensional standards. The lot would then exceed the permitted amounts. Mr. Coffin explained the details of the proposed sunroom and stated the stone terrace was 5-7 ft off

the ground but not considered a structure. The stones on the terrace were estimated to be over 100 years old. Mr. Jewell listed hardships as the structures on the lot predating zoning and the introduction of lot coverage and floor area ratio residential zoning regulations in the 1990's.

Neighbor Sara Champion appeared. She stated she had no objections to the proposed plans but clarified she could see the house from her property. She was pleased the HDC would need to approve the proposed plans as well. No one else appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

Application No. 21-009
The Ridgefield Theatre Barn
37 Halpin Lane

Executive Director Pamme Jones and architect Eric Flanders appeared for the application. Mr. Flanders stated to the Board that the organization wanted to add an elevator to the rear of the Town owned building to make it more ADA compliant for employees and volunteers. The addition would extend the roof line and add an additional 160 sq ft. The lot was already nonconforming to setbacks. If approved, the addition would be constructed along with a building expansion that was approved in variance number #14-044. A special permit revision was also required to proceed. Mr. Pastore noted the theatre did not have significant neighbors that would be affected and ADA compliance was required. Ms. Jones noted these plans did not increase the attendance size within the theatre.

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

DECISIONS:

Application No. 21-007
Theodore Schimenti
466 Ridgebury Road

REQUESTED: a variance of Section 3.5.H., setbacks, to construct a 2-story, 2-car garage within the minimum yard setback; for property in the RAAA zone located at 466 Ridgebury Road.

DATES OF HEARING: April 7, 2021
DATE OF DECISION: April 7, 2021

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct a 2-story, 2-car garage within the minimum yard setback; for property in the RAAA zone located at 466 Ridgebury Road.

VOTE: To Grant: 4 To Deny: 1

In favor
Fincham, Pastore,
Seavy, Stenko

Opposed
Bearden-Rettger

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 no closer than the existing house at 17.5 feet from the property line. The plans submitted for the building application shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

1. The odd shape of the lot, along with the location of the house of the lot, creates an unusual hardship that justifies the grant of a variance in this case.
2. The garage addition will not increase the nonconformity of the lot as the addition will be no closer to the lot line than the existing house.
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.

Application No. 21-008
James Prusko
188 Main Street

REQUESTED: variances of Sections 3.5.F., lot coverage, 3.5.G., floor area ratio, 3.2.B.1., residential uses, and 8.1.A.3., nonconforming uses, to construct an addition to a single-family residence on a lot with more than one residence where the addition will exceed the permitted lot coverage and floor area ratio; for property in the RA zone located at 188 Main Street.

DATES OF HEARING: April 7, 2021

DATE OF DECISION: April 7, 2021

VOTED: To Grant, variances of Sections 3.5.F., lot coverage, 3.5.G., floor area ratio, 3.2.B.1., residential uses, and 8.1.A.3., nonconforming uses, to construct an addition to a single-family residence on a lot with more than one residence where the addition will exceed the permitted lot coverage and floor area ratio; for property in the RA zone located at 188 Main Street.

VOTE: To Grant: 5 To Deny: 0

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

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:

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 variance application.

The Board voted this action for the following reasons:

1. The house built in the 1700's and the attached stone terrace was added approximately 100 years ago both predating the enactment of zoning regulations in the Town. The terrace is basically a pre-existing foundation (and indeed is much more substantial than most foundations) upon which no walls or roof had previously been erected. To deny the Applicant the full use of the terrace structure (which amounts to a vested right) under the regulations creates an unusual hardship that justifies the grant of variances in this case.

- 2. It is noted that the addition to be constructed over the existing stone terrace will not increase the footprint of the structure.
- 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.

Application No. 21-009
The Ridgefield Theatre Barn
37 Halpin Lane

REQUESTED: variances of Sections 4.3.E.3., maximum coverage for special permit uses and 4.3.E.4.C., minimum yard setbacks, to allow expansion of building closer to the front yard setback closer than permitted and increase the lot coverage on a parcel beyond the permitted lot coverage; for property in the ARHD-1 zone located at 37 Halpin Lane.

DATES OF HEARING: April 7, 2021
DATE OF DECISION: April 7, 2021

VOTED: To Grant, variances of Sections 4.3.E.3., maximum coverage for special permit uses and 4.3.E.4.C., minimum yard setbacks, to allow expansion of building closer to the front yard setback closer than permitted and increase the lot coverage on a parcel beyond the permitted lot coverage; for property in the ARHD-1 zone located at 37 Halpin Lane.

VOTE: To Grant: 5 To Deny: 0

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| <u>In favor</u> | <u>Opposed</u> |
| Bearden-Rettger, Fincham | |
| Pastore, Seavy, Stenko | |

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 variance application.

The Board voted this action for the following reasons:

- 1. The addition is required to provide additional access to this building for handicapped visitors, including employees and volunteers. The requirement by the Town to increase ADA compliancy represents an unusual hardship that justifies the grant of a variance in this case.
- 2. The hardships found in variance number #12-034 continue to exist in this current application.
- 3. This particular proposed activity does not increase the footprint of the original dairy barn on the property, it merely encloses a previously open corner of the structure to permit the addition of the ADA compliance features.
- 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator