

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**September 14, 2020**

**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 September 14, 2020. 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: Glenn Smith (Chairman), 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.

**CONTINUED PETITIONS:**

**Appeal No. 20-009**  
**Kevin and Diane Cummins**  
**25 Boulder Hill Lane**

The applicants withdrew their petition prior to the meeting.

**Appeal No. 20-014**  
**John P. Farnham**  
**79 West Lane**

The applicant asked for a continuance prior to the meeting until October 5.

**Appeal No. 20-015**  
**Robert DeRoma**  
**40 Mountain Road**

The applicant asked for a continuance prior to the meeting until October 5.

**NEW PETITIONS:**

**Appeal No. 20-017**  
**Jill Ryan**  
**152 West Mountain Road**

Architect Robert Eberts of Cross River Architects appeared, along with the applicant Jill Ryan. Mr. Eberts stated to the Board that the property was granted a setback variance in 2019. However, they later discovered that the septic was closer than expected to the proposed location and are now proposing the garage be located 18 ft from the front property line. The 2019 variance approved a 19x22 sq ft garage, the current application asked for a 22x24 sq ft 2-car garage. Mr. Eberts confirmed the overhangs were in the 18 ft proposed setback. Mr. Eberts also stated hardships as the location of the house on the lot and the undersized lot. The Board agreed the hardships were the same as what was granted in 2019.

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.

**Appeal No. 20-018**  
**Mary Ellen McGuire**  
**19 Madeline Drive**

Architect Doug MacMillan appeared for the applicant. Mr. MacMillan stated the proposed plans showed a deck addition to the house with a set of stairs to the driveway. He listed hardships as the undersized lot, .22 acres in the RA zone, shape of the lot and no increase in nonconformity. The closest point to the setback was the house at approximately 10 ft. So, a setback variance was requested. Mr. Cole asked why the stairs would be located in the front of the deck. Mr. MacMillan replied the side of the lot contained the septic system, while the rear had areas of ledge. Mr. Smith asked if the deck stairs could be imbedded into the side of the deck, rather than coming out forward into the parking area. Mr. MacMillan agreed the plans could be modified to change that design and the plans were then modified to 19 ft from the side setback line.

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.

**Appeal No. 20-019**  
**Bill McGeary**  
**118 Barry Avenue**

Bill and Kathy McGeary appeared for their petition. The administrator read a letter in support from their neighbor Mary Ellen Miller, for their proposed garage rebuild into the record. Mr. McGeary explained to the Board that several years ago their 24x24 garage was destroyed by a falling tree and their proposed plans are for rebuilding on the same footprint but with a taller second story on the garage. A setback variance was needed since the footprint was 7 ft from the property line in the RAA zone and there was a planned increase in height. The lot was .37 acres. The applicants presumed the garage was built around 1956. The planned height was approximately 224 ft. high. Mr. Smith asked for confirmation that the existing foundation would be used. Mr. McGeary replied yes.

Neighbor Lori Kuzmanovic of 112 Barry Avenue appeared and stated she approved of the garage plans.

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.

**DECISIONS**

**Appeal No. 20-017**  
**Jill Ryan**  
**152 West Mountain Road**

REQUESTED:           a variance of Section 3.5.H., setbacks, to allow construction of a two-car garage within the minimum yard setback; for property in the RAAA zone located at 152 West Mountain Road.

DATE OF HEARING:           September 14, 2020  
DATE OF DECISION:           September 14, 2020

VOTED:           To Grant, a variance of Section 3.5.H., setbacks, to allow construction of a two-car garage within the minimum yard setback; for property in the RAAA zone located at 152 West Mountain Road.

VOTE:            To Grant:        5                            To Deny:        0

**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 hardships listed in variance #19-005 continue to apply to this petition.
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.

**Appeal No. 20-018**  
**Mary Ellen McGuire**  
**19 Madeline Drive**

REQUESTED:            a variance of Section 3.5.H., setbacks, to construct a deck within the minimum yard setback; for property in the RA zone located at 19 Madeline Drive.

DATE OF HEARING:                            September 14, 2020  
DATE OF DECISION:                            September 14, 2020

VOTED:            To Grant, a variance of Section 3.5.H., setbacks, to construct a deck within the minimum yard setback; for property in the RA zone located at 19 Madeline Drive.

VOTE:            To Grant:        5                            To Deny:        0

**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 modified during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those modified and approved with the variance application.

The Board voted this action for the following reasons:

1. The undersized lot, .22 acres in the RA zone, along with the shape of the lot and the position of the house on the lot, creates an unusual hardship that justifies the granting of a variance in this case.
- 2.

3. 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.

**Appeal No. 20-019**  
**Bill McGearry**  
**118 Barry Avenue**

REQUESTED: a variance of Sections, 3.5.H., setbacks, to allow the rebuilding of a legally nonconforming garage that will not meet the minimum yard setback; for property in the RAA zone located at 118 Barry Avenue.

DATE OF HEARING: September 14, 2020  
DATE OF DECISION: September 14, 2020

VOTED: To Grant, a variance of Sections, 3.5.H., setbacks, to allow the rebuilding of a legally nonconforming garage that will not meet the minimum yard setback; for property in the RAA zone located at 118 Barry Avenue.

VOTE: To Grant: 5 To Deny: 0

**CONDITIONS:**

These actions are subject to the following conditions that are an integral and essential part of the decision. Without these conditions, 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.
2. The existing foundation from the demolished garage will be used for the new garage.

The Board voted this action for the following reasons:

1. The undersized lot, .374 acres in the RAA, along with the location of the house on the lot, have created an unusual hardship that justifies the granting of a variance in this case. It was noted that the former garage was located on the lot for decades and the lot was very likely upzoned.
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 8:05 pm.

Respectfully submitted,

Kelly Ryan  
Administrator