

SHARON ZONING BOARD OF APPEALS
Draft until approved at the next regular meeting

A special meeting of the Sharon ZBA was held on April 22, 2019 at 6:30PM at the Town Hall. Present were regular members Tortorella, Dignacco, Bancroft, Young and Trowbridge; alternates Drew and Pastre; Attorney William Manasse, Roy & Laura Rydingsword, Msgr. Vittorio Guerrera, four other citizens and the secretary.

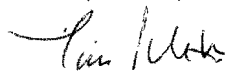
Chairman Trowbridge called the meeting to order at 6:30PM.

The legal notice for the hearing on the application for a variance to create a parcel to contain 1.49+/- acre with building thereon where the Regulations require 2 acres from Saint Kateri Tekakwitha Parish Corporation was read. Attorney Manasse spoke on behalf of the applicant. Two additional maps were submitted: one showing the parcel to be created; and one showing the land exchanged with the State of Connecticut in 1980. Attorney Manasse explained that the hardship is: 1) the location of the cemetery with the location of the house; and 2) the boundary being with the State, there are no other alternatives to divide the parcel except by variance. The parcel would comply with all Zoning Regulations except for the acreage. Mr. Trowbridge stated that he spoke to Attorney Steven Byrne and he said the Board is not allowed to create by variance a non-conforming parcel for financial or personal reasons unless the property will be worth nothing. Attorney Manasse disagreed with the opinion and cited some court cases: Scandia Construction & Development Corp v. Planning & Zoning Commission of the Town of Ridgefield; Scandia Construction & Development Corp. v. Ridgefield PZC; Chatlos v. P & Z Commission; and Adams v. P & Z Commission. The Board asked several questions including the rental of the dwelling. Msgr. Guerrera stated that the Diocese will not allow the rental to anyone other than retired Catholic priests or nuns and they do not want a single individual on the property as most times there is no one else around. Abutting property owner Roy Rydingsword, parishioners Martin Lindenmayer and Gerry Tobin asked questions and made comments. It was suggested that as Attorney Byrne has not actually seen the application, that perhaps the whole application should be sent to him for his opinion along with the court cases mentioned by Attorney Manasse. Mr. Dignacco made a motion that the hearing be continued to May 6, 2019 at 6:30PM with the whole application and relative materials being sent to Attorney Byrne for his opinion on this matter and also that Attorney Manasse provide the court cases cited, seconded by Mr. Tortorella, with all in favor. This portion of the hearing was closed at 7:14 and was taped and is on file at the Town Hall.

As the hearing was continued, there was no discussion on the application.

Mr. Dignacco made a motion to adjourn, seconded by Mr. Tortorella, with all in favor. The meeting was adjourned at 7:15.

Respectfully submitted,



Tina Pitcher, Recording Secretary

SPECIAL MEETING: MAY 6, 2019 6:30PM
NEXT REGULAR MEETING: MAY 20 6:30PM

RECEIVED

2019 APR 23 P 2:48

SHARON TOWN CLERK