

**TOWN OF GREENWICH
PLANNING & ZONING BOARD OF APPEALS
MINUTES: 9/24/08**

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, September 24th, 2008 at 8:00 P. M. in the Joseph Cone Meeting Room, 2nd Floor Town Hall, pursuant to due notice.

PRESENT: Donald Kiefer, Chairman,
Robert Coulson, Secretary,
Arthur Delmhorst, Patricia Kirkpatrick

ALTERNATE: Serle Mosoff

ABSENT: David Weisbrod

The following appeal was heard:

APPEAL No. 9577-(Continued).

Appeal of Carolyn Craumer, 79 North Water Street, Greenwich, alleging error by the Zoning Enforcement Officer in the issuance of a cease and desist order for a dwelling in the R-6 zone.

It was unanimously RESOLVED that said appeal be continued at the applicant's request.

APPEAL No. 9583-(Continued).

Appeal of The Field Club of Greenwich, Inc., 276 Lake Avenue, Greenwich, for special exception approval to permit seasonal enclosures on tennis courts at a club in the RA-2 zone.

This appeal was withdrawn by the applicant.

APPEAL No. 9594-(Continued).

Appeal of John and Ramya Hopley, applicants, Joseph Granitto, owner, 434 Riversville Road, Greenwich, alleging error in issuance of Building Permit No. 8-1235 for construction of a wall at a residence in the RA-4 zone.

It was unanimously RESOLVED that said appeal be denied on the following grounds:

After due consideration, there was no error in the issuance of building permit 8-1235 for retaining walls. The walls are in compliance with the applicable Building Code and Zoning Regulations and are as-of-right, not requiring special exception approval or relief from the regulations by variance. Accordingly, the appeal is denied.

APPEAL No. 9566.

Appeal of Shemin Nurseries, Inc, 1081 King Street, Greenwich, for special exception approval to permit reduction in area of a commercial nursery in the RA-2 zone.

This appeal was withdrawn by the applicant.

APPEAL No. 9604.

Appeal of Rhoda Newman, 55 Circle Drive, Greenwich, for variance of required front yard to permit additions to a dwelling in the R-12 zone.

It was RESOLVED that said appeal be granted on the following grounds:

The Board finds, after due consideration, there is hardship due to the original siting of the dwelling on the lot due to wet areas now designated as flood hazard zone and the Metro North railroad tracks at the rear property. The requested variance of required front yard is, therefore, granted from Sections 6-203 and 6-205 of the Building Zone Regulations. Messers Kiefer, Coulson, Delmhorst, and Mr. Mosoff voted in favor of the motion. Ms. Kirkpatrick voted against the motion.

The Board further finds that this relief is consistent with the Town's Plan of Conservation and Development and can be granted without detriment to the public welfare or impairment to the integrity of the regulations.

APPEAL No. 9605.

Appeal of Geneva Liggett, 67 Prospect Street, Greenwich, for variances of required front and rear yards to permit a dwelling in the R-6 zone.

It was RESOLVED that said appeal be granted on the following grounds:

The Board, after due consideration, finds there is hardship due to the shallow and narrow lot shape and deficient street right-of-way width. Further, a pre-existing structure that was non-conforming as to front, rear, and side yards as well as being a commercial use has been razed to eliminate those conditions. In addition, the proposed single family structure is consistent with the previously developed surrounding neighborhood. Therefore, the requested variances of front and rear required yards are granted from Sections 6-203 and 6-205 of the Building Zone Regulations.

Ms. Kirkpatrick made a motion to grant the appeal that was seconded by Mr. Delmhorst. Ms. Kirkpatrick and Messers Kiefer, Coulson and Delmhorst voted in favor of the motion. Mr. Mosoff voted against the motion.

The Board further finds that this relief is consistent with the Town's Plan of Conservation and Development and can be granted without detriment to the public welfare or impairment to the integrity of the regulations.

APPEAL No. 9606.

Appeal of 41 Birchwood, LLC, 41 Birchwood Drive, Greenwich, for variance of required rear yard to permit a pool at a dwelling in the RA-2 zone.

It was unanimously RESOLVED that said appeal be granted on the following grounds:

After due consideration, there is hardship due to extensive wetlands restricted areas as well as septic areas on the lot. The Board notes there is extensive natural screening in place that the proposed location is compliant with the accessory structure requirement if located in a rear yard. The requested variance of required rear yard is, therefore, granted from Section 6-144(b) of the Building Zone Regulations.

The Board further finds that this relief is consistent with the Town's Plan of Conservation and Development and can be granted without detriment to the public welfare or impairment to the integrity of the regulations.

APPEAL No. 9607.

Appeal of David Wax, 25 Fox Run Lane, Greenwich, for a variance of required rear yard to permit additions to a dwelling in the RA-2 zone.

It was unanimously RESOLVED that said appeal be continued at the applicant's request.

APPEAL No. 9608.

Appeal of Paradigm, 44-48 West Putnam Avenue, LLC, 44-48 West Putnam Avenue, Greenwich, for variances of floor area ratio and number of stories to permit additions and alterations to create eight (8) residential units in a commercial building with the CGBR-CGIO zone.

It was unanimously RESOLVED that said appeal be granted on the following grounds:

The Board finds, after due consideration, there is hardship due to the location of the structure on the lot, having been constructed prior to zoning regulation, the topography of the lot, and the changes in the regulations which cause the lower level to now be considered a story and include the floor area of the lower level to be calculated as part of the floor area ratio. Accordingly, the requested variances of number of stories and of floor area ratio as provided by Sections 6-203 and 6-205 of the Building Zone Regulations are granted.

The Board further finds that this relief can be granted without detriment to the public welfare or impairment to the integrity of the regulations.

The date of these minutes and rendition date of said decisions is October 20, 2008.

The next regular meeting is scheduled to be heard on October 22, 2008.

Signature on file

Robert Coulson, Secretary