

## MINUTES

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, July 8<sup>th</sup>, 2009 at 8:00 P. M. in the Joseph Cone Meeting Room, 2<sup>nd</sup> Floor Town Hall, pursuant to due notice.

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

The following appeals were heard:

### **APPEAL No. 9656-(Continued).**

Appeal of 644 West Putnam Associates LLC, 644 West Putnam Avenue, Greenwich, for variances of number of stories, building height, lot coverage and building coverage to permit an office/retail building in the LB and GBO zones.

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

After due consideration, the Board finds there is hardship due to lot shape, being surrounded on three sides by public roads, topography and rock ledge on the site. The Board notes that this parcel has remained in a partially developed state in excess of five years and this has a negative impact on the surrounding community. Further, this parcel is bifurcated by a zone line and contains both LBR and GBO zones.

The variance of building height to allow a 48.3 foot height in both the LBR and GBO zones is therefore granted from Sections 6-203 and 6-205. Mr. Coulson made a motion to grant the appeal, which was seconded by Mr. Delmhorst. Messrs. Coulson, Kiefer, Delmhorst, Weisbrod and Ms. Kirkpatrick voted in favor of the motion.

The variances of building and lot coverage to permit 49,956 square feet of lot coverage and 24,570 square feet of building coverage in the GBO zone is therefore granted from Sections 6-203 and 6-205. Mr. Coulson made a motion to grant the appeal, which was seconded by Mr. Weisbrod. Messrs. Coulson, Kiefer, Delmhorst, Weisbrod voted in favor of the motion. Ms. Kirkpatrick voted against the motion.

The variance of parking in the required front yard of the GBO zone is therefore granted from Section 6-106(b). This granting is made upon the condition that the parking be screened in accordance with the LBR zone requirements. Ms. Kirkpatrick made a motion to grant the appeal with conditions, which was seconded by Mr. Coulson. Messrs. Coulson, Kiefer, Delmhorst, Weisbrod and Ms. Kirkpatrick voted in favor of 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. 9662-(Continued).**

Appeal of Andre and Nancy Ohanissian, 35 Hassake Road, Old Greenwich, for variance of floor area ratio and building height to permit additions to a dwelling in the R-7 zone.

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

The Board finds, after due consideration, there is hardship due to topography and an error by the engineer in calculating the grade plane. There is a practical difficulty in raising the grade to meet the both the Building Zone Regulations and the Connecticut State Building Code. The Board notes that this determination will not change the appearance of the building. The requested variance of Floor Area Ratio is granted from Sections 6-203 and 6-205 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.

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

**APPEAL No. 9664-(Continued).**

Appeal of Thomas and Pauline Ketchum, 185 Round Hill Road, Greenwich, for variance of floor area ratio to permit a pool house in the RA-2 zone.

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

The Board, after due consideration, finds there is hardship due to a change in the Regulations that now include a floor area ratio standard to the building that was constructed prior to such regulation. Additionally portions of the lot are no longer counted towards developable lot area due to a deficiency of side yards. The Board further notes this application comes with the support of the neighbors and the applicant has proposed evergreen screening for the new structure. The requested variance of floor area ratio to permit a 491 square foot pool house is, therefore, granted from Sections 6-203 and 6-205.

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.

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

**APPEAL No. 9676.**

Appeal of The Greenwich Academy Inc., 2 Patterson Avenue/200 North Maple Avenue, Greenwich, for special exception approval to permit an increase in lot size and an additional residence to a school in the RA-1 and R-20 zones.

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

After due consideration, the Board finds that the special exception standards as provided by Sections 6-19, 6-20, and 6-94(a)(5) of the Building Zone Regulations have been met. Accordingly, the special exception for the addition of lot area and a residential building to an existing school is granted.

**APPEAL No. 9678.**

Appeal of Rutherford Romaine, 137 Meadow Road, Riverside, for special exception approval to permit indoor athletic facilities at a dwelling in the RA-1 zone.

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

After due consideration, the Board finds that the special exception standards as provided by Sections 6-19, 6-20, and 6-95(a)(8) of the Building Zone Regulations have been met. Accordingly, the special exception for an indoor athletic facility greater than 1,200 square feet is granted.

**APPEAL No. 9679.**

Appeal of The Baliwick Club, Inc, 4 Duncan Drive, Greenwich, for special exception approval to permit a gazebo at a private club in the RA-1 zone.

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

After due consideration, the Board finds that the special exception standards as provided by Sections 6-19, 6-20, and 6-94(a)(2) of the Building Zone Regulations have been met. Accordingly, the special exception to add a permanent gazebo at a club in the RA-1 zone is granted.

**APPEAL No. 9681.**

Appeal of KWTK LLC, 30 Knittecock Road, Greenwich, for variances of required street side yard and minimum right-of-way width to permit a pool, pergola, shed and mechanical equipment at a dwelling in the RA-2 zone.

It was unanimously RESOLVED that said appeal be granted with conditions:

After due consideration, the Board finds there is hardship due to lot shape, topography including wetlands on site and deficient right-of-way width. The requested variances of required street side yard and minimum right-of-way width are, therefore, granted from Sections 6-203 and 6-205 of the Building Zone Regulations. This appeal is granted upon the condition that evergreen screening be provided and maintained.

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. 9682.**

Appeal of Debbie and Eric Mertz, 19 Kenilworth Terrace, Greenwich, for variance of lot shape requirement at a dwelling in the RA-1 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 a change in the regulations that render the lot non-conforming and with no lot area. Accordingly, the requested variance of lot shape requirement is granted from Section 6-131(a) of the Building Zone Regulations. The lot shape required for R-20 zone will be used to calculate lot area for this parcel.

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.

**The date of these minutes and rendition date of said decisions is July 20, 2009.**

**The next regular meeting is scheduled to be heard on July 22, 2009.**

---

Robert Coulson, Secretary