

## MINUTES

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, July 22<sup>nd</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,  
Arthur Delmhorst, Patricia Kirkpatrick,

ALTERNATE: Robert Shippee

ABSENT: David Weisbrod

The following appeals were heard:

### **APPEAL No. 9677.**

Appeal of Ronald Young, Jr. 27 East Byway, Greenwich, for variance of required front yard to permit additions to a dwelling in the R-20 zone.

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

After due consideration, the Board finds there is hardship due to lot shape and a practical difficulty due to the location of the existing dwelling on the lot. The Board notes this application comes with the support of the direct abutters and is consistent with development in the neighborhood. The requested variance of required front yard is; therefore 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.

### **APPEAL No. 9683.**

Appeal of Marc and Marilyn Anderson, Trustees, 19 Meadow Place, Old Greenwich, for variance of number of stories to permit 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 flood zones located on the property. The Board further finds the limited footprint of the proposed development in the flood zone is desirable but contributes to the number of stories. The requested variance of number of stories is; therefore 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. Coulson made a motion to grant the appeal, which was seconded by Mr. Shippee. Messrs. Coulson, Kiefer, Delmhorst and Shippee voted in favor of the motion. Ms. Kirkpatrick voted against the motion.

**APPEAL No. 9684.**

Appeal of Linda and William MaCauley, 7 Hill Road, Greenwich, for variances of required front yard, fence and wall heights to permit an entrance gate and fence at a dwelling in the RA-1 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 topography including ledge and wetlands on site. The Board also notes there are two non-conforming pillars being removed from the site and that this configuration will preserve mature plantings. The requested variance of column/fence post height is; therefore granted from Section 6-140.2(C) 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. Coulson made a motion to grant the appeal, which was seconded by Mr. Shippee. Messrs. Coulson, Kiefer, Shippee and Ms. Kirkpatrick voted in favor of the motion. Mr. Delmhorst voted against the motion.

**APPEAL No. 9685.**

Appeal of Linda and William MaCauley, 9 Hill Road, Greenwich, for variances of required front yard, fence and wall heights to permit an entrance gate and fence 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 there is hardship due to the topography including wetlands on site. The Board notes the remainder of the fence meets current zoning regulations. The requested variance of fence and wall heights is; therefore granted from Section 6-140.2 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. 9686.**

Appeal of Old Mill Properties, LLC North Side of Old Mill (16 Cherry Valley Road), Greenwich, for variance of lot area, lot shape and accessory structure without a principal structure to permit a subdivision in the RA-4 zone.

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

The Board finds, after due consideration, a clear and consistent history of lots 1 and 2, created by deeds and having existed in their current configuration since February 10, 1969, treated as separate and unique building lots. The deed history from 1969 until 2000 shows lots 1 and 2 conveyed as separate lots with the issue of zoning merger via Section 6-9 of the Building Zone Regulations (but not functional merger) arising when the applicants conveyed both properties to a single entity, Old Mill Properties, LLC, in 2000.

Further, the Board finds the owners never intended to merge the lots, no further lot area exists to cure these deficiencies, and the application has preliminary sub-division approval from the Planning and Zoning Commission. In addition, the Health Department and the IWWA have both issued permits to develop Lot 2 upon completion of the subdivision.

Accordingly the requested variances of lot area, lot shape and an accessory structure without a principal structure are; therefore granted from Sections 6-146(b), 6-203 and 6-205 of the Building Zone Regulations.

**APPEAL No. 9687.**

Appeal of Thomas and Margaret Smeriglio, 51 Cross Lane, Cos Cob, for variances of required front yard and minimum right-of-way width to permit additions to a dwelling in the R-7 zone.

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

The Board, after due consideration, finds there is hardship due to the deficient right-of-way width of Cross Lane and a practical difficulty in providing a covered entryway to the existing dwelling having been originally constructed in 1962. The requested variance of required front yard is; therefore 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.

**APPEAL No. 9688.**

Appeal of Mark and Roseanne Sanford, 93 Mallard Drive, Greenwich, for variances of required front and rear yards to allow a dwelling and pool to remain after a sub-division in the R-7 and R-12 zones.

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

After due consideration, the Board finds there is a practical difficulty in removing portions of the existing dwelling to meet required yards. The Board also finds the pool is well screened, the dwelling is 100 feet from the next closest dwelling and the variances will not change the nature of the neighborhood as the existing dwelling and pool have remained on site since 1985. The requested variances of required front and rear yards are 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.

**The date of these minutes and rendition date of said decisions is August 3, 2009.**

**The next regular meeting is scheduled to be heard on August 5, 2009.**

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Robert Coulson, Secretary