

TOWN OF GREENWICH
PLANNING & ZONING BOARD OF APPEALS
8/19/09

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MINUTES

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, August 19th, 2009 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, David Weisbrod,
Arthur Delmhorst, Patricia Kirkpatrick

The following appeals were heard:

APPEAL No. 9694.

Appeal of Daniel and Suzanne Ragen, 49 Hillside Drive, Greenwich, for variance of grade plane requirements to permit additions to a dwelling in the R-20 zone.

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

After due consideration, the Board finds there was no hardship articulated by the applicant to justify the requested variance. The appeal is, therefore, denied. Mr. Coulson made a motion to grant the appeal which was seconded by Mr. Weisbrod. Mr. Coulson voted in favor of the motion. Messer's Kiefer, Weisbrod, Delmhorst and Ms. Kirkpatrick voted against the motion. Having failed to achieve four affirmative votes, the appeal is denied.

APPEAL No. 9695.

Appeal of GFC Havemeyer, LLC and GFC, LLC 224-230 Mason Street (a/k/a 16 Havemeyer Place), Greenwich for variance of floor area ratio, front yards and side yards to permit multi-family structures in the CGB and CGIO zones.

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 built prior to zoning and a practical difficulty arising from a purely residential structure and use on a commercially zoned parcel. The Board finds there will be no perceived increase to the height or bulk of the nine residential units nor any increase to the density or required parking. Further, the Board notes that the façade, having historic significance, will be preserved and preliminary site plan approval was granted with the basement level areas excluded from the floor area. Accordingly, the requested variances of required front yards, side yards and 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.

APPEAL No. 9696.

Appeal of Carolyn Cleveland, 24 Rock Ridge Avenue, Greenwich, for variances of Floor Area Ratio to permit a lot line revision and property transfer on an improved lot in the RA-2 zone.

It was RESOLVED that said appeal be granted with conditions:

The Board, after due consideration, finds there is hardship due to lot shape and topography. The Board further acknowledges the desire to preserve the existing dwelling and accessory structure on site due to the historic character. The requested variance of floor area ratio is, therefore, granted from Sections 6-203 and 6-205 of the Building Zone Regulations. This appeal is granted upon the condition that no non-conforming floor area will be preserved and any future construction or site development will be within the limits of the floor area allowed by a 2.42 acre zoning lot area.

Ms. Kirkpatrick made a motion to grant the appeal, which was seconded by Mr. Coulson. Messrs. Coulson, Kiefer, Delmhorst and Ms. Kirkpatrick voted in favor of the motion. Mr. Weisbrod 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. 9697.

Appeal of John and Jeanetta Zehalka, 242 Pemberwick Road, Greenwich, for variance of accessory structures without a principal structure in the R-7 zone.

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

After due consideration, the Board finds there is a practical difficulty to remove a functional storage structure and a pool at any time prior to the conveyance of either parcel as moved to final preliminary site plan #1870 at 242 Pemberwick Road. The presence of these pre-existing structures has no adverse impact nor is it a violation of the building zone regulations until such time as the subdivision is activated by conveyance or by building permit application. Accordingly, the requested variance for accessory structure without a primary structure is granted from section 6-147(b).

This granting is made upon the following condition: That the two structures may remain for not more than two (2) years from the date of this decision, with both structures to be razed or otherwise removed prior to the conveyance of any parcel or prior to permit application for construction of a new dwelling on any parcel, whichever occurs first.

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. 9698.

Appeal of Nels and Sarah Fugelsang, 8 Lockwood Road, for variance of number of stories and required front yard to permit additions to a dwelling in the R-12 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 topography, deficient right-of-way width and the location of the existing dwelling on the site, having been originally constructed in 1872. The Board further notes a desire to preserve historic structures. Accordingly, the requested variances of required front yard and number of stories 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.

APPEAL No. 9699.

Appeal of The Bodas Trust, 16 Greenbriar Lane, Greenwich, for variance of lot shape requirement to determine lot size at a dwelling in the RA-2 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 a change in the regulations that render the lot non-conforming and with less than one acre of 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 RA-2 zone will be placed tangent to the north and west lot lines, excluding the access way, creating a zoning lot area of 2.209 acres.

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. 9700.

Appeal of Yuen Chiu, Daniel and Wai Cheung, 8 Mills Road, Greenwich, for variance of front, side and rear yards to permit additions to a dwelling in the RA-4 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 unique character of the subject parcel including lot size of less than ten percent required for the RA-4 zone, lot shape being at the terminus of a cul-de-sac, and the pre-existing location of the dwelling having been constructed prior to current zoning regulations. The Board notes that this parcel is largely surrounded by the Babcock preserve and has the support of a direct neighbor. The requested variance of required front, side and rear yards is therefore granted from sections 6-203 and 6-205 of the Building Zone Regulations.

The date of these minutes and rendition date of said decisions is August 31, 2009.

The next regular meeting is scheduled to be heard on September 9, 2009.

Robert Coulson, Secretary