MINUTES:

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, March 23, 2016 at 8:00 P. M. in the Joseph Cone Meeting Room, pursuant to due notice.

PRESENT:      David Weisbrod, Chairman
               Lawrence Larson, Acting Secretary
               Arthur Delmhorst
               Patricia Kirkpatrick
               Ken Rogozinski

The following appeals were heard:

APPEAL No. PLZE201600067

Appeal of 392 Davis Avenue LLC, 392 Davis Avenue, Greenwich for variances of rear and street side yard setbacks to permit the renovation of an existing dwelling and the construction of a new 2 family dwelling located in the R-6 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 deficient right of way width combined with the lot’s topography. Therefore, the requested variances of rear and street side yard setbacks are granted from sections 6-203(b) and 6-205(a).

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

APPEAL No. PLZE201600071

Appeal of Doug Vissicchio, 36 Winthrop Drive, Riverside for a variance of combination fence/wall height to permit the installation of a 6 foot fence atop an existing 3 foot wall on a lot located in the R-12 zone.

It was unanimously RESOLVED that said appeal be denied.

After due consideration, the Board found there was no hardship articulated to justify the requested variance of fence/wall height. Accordingly, the appeal is denied.
**APPEAL No. PLZE201600073**

Appeal of Derek and Carrie Braddock, 6 Vista Avenue, Old Greenwich for special exception approval to permit the construction of a new garage located in the R-12 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)(2)(a) of the Building Zone Regulations have been met. Accordingly, the special exception to permit the construction of a 1,183 square foot garage is granted.

**APPEAL No. PLZE201600110**

Appeal of Alyssa Realty, LLC, owner, Tesla Motors, applicant, 338-348 Greenwich Avenue (aka 340 Greenwich Avenue), Greenwich for a variance of allowable use to permit an automotive use on a commercial property located in the CGBR zone. In the alternative, applicant is alleging error in the Zoning Enforcement Officers decision to consider the proposed use as automotive as opposed to retail.

It was unanimously RESOLVED that said appeal of the Zoning Enforcement Officer’s decision be **granted** subject to modifications and conditions.

After due consideration the Board finds that with the modification of eliminating the proposed test drives it could consider the proposed use similar to other uses in Use Group 1 and therefore allowed in the CGBR zone. The Board noted the sale of retail items such as clothing, accessories and home battery packs in their decision. Therefore the appeal of the Zoning Enforcement Officer’s decision is granted with the conditions that no corporately owned cars are allowed to be stored on site outside of the building, there be no charging stations for electric vehicles on site, that the parking at the rear of the building be used for employee parking only and that in the event that Tesla Motors opens a full dealership in Greenwich, the use on Greenwich Avenue will need to cease as this use would be seen as an extension of an automotive use which is not permitted in the CGBR zone.

The Board further noted that with the granting the appeal of the Zoning Enforcement Officer’s decision, the variance is no longer needed.

The date of these minutes and rendition date of said decisions is April 4, 2016.

The next regular meeting is scheduled to be heard on April 13, 2016.

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Lawrence Larson, Acting Secretary