

## MINUTES:

A Regular meeting of the Planning and Zoning Board of Appeals of the Town of Greenwich was held on Wednesday, May 11, 2016 at 8:00 P. M. in the Joseph Cone Meeting Room, pursuant to due notice.

PRESENT: Patricia Kirkpatrick, Acting Chairman  
Arthur Delmhorst, Acting Secretary  
Lawrence Larson  
Wayne Sullivan  
Ken Rogozinski

ABSENT: David Weisbrod

The following appeals were heard:

**APPEAL No. PLZE201600076**

Appeal of Elm Place, LLC, 19 East Elm Street, Greenwich alleging error in the Zoning Enforcement Officer's decision to deny the expansion of office into a retail space at a commercial property located in the CGBR zone.

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

After due consideration, the Board finds that Zoning Enforcement Officer erred in his decision not to allow the expansion of an office use into an adjacent space. The Board based their decision on the language in the regulations, which stated that the nonconforming use shall be maintained within the same structure. The Board interpreted this wording to mean that a nonconforming use can be enlarged within the same building.

Mr. Larson made a motion to approve the appeal which was second by Ms. Kirkpatrick.

Messrs. Larson, Delmhorst, Rogozinski and Ms. Kirpatrick voted in favor of the motion and Mr. Sullivan voted against.

**APPEAL No. PLZE201600120**

Appeal of 5 Conyers Farm Drive, LLC, 5 Conyers Farm Drive, Greenwich for special exception approval to permit the construction of a new domestic quarters accessory building and barn, which are both in excess of 1,200 square feet in size, on a lot located in the RA-4 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) of the Building Zone Regulations have been met. Accordingly, the special exception to permit the construction of a new 1,891.5 square foot domestic quarters building and a 3,750 square foot barn, as shown on submitted plans, is granted.

**APPEAL No. PLZE201600140**

Appeal of Jeffrey Stempien, 6 Dale Drive, Greenwich for a variance of front yard setback to permit the construction of a new portico over an existing stoop on a dwelling located in the R-6 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 lot's topography and shape combine with the location of the flood zone and development of the lot prior to the adoption of zoning. Therefore, the requested variance of front yard setback is granted from sections 6-203 and 6-205.

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. PLZE201600146**

Appeal of Sandro & Claudia Malagisi, 1031 North Street, Greenwich for a variance rear access way width to permit the subdivision of a lot located in the R-20 zone.

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

The Board, after due consideration, finds there is hardship due to the lot's shape. Therefore, the requested variance of required access way width is granted from section 6-131(a)(2) with the condition that the lot line between the new rear lot and the proposed open space be delineated with a fence.

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. PLZE201600165**

Appeal of Brunswick School Inc., 100 Maher Avenue, Greenwich for special exception approval to permit the relocation of an existing maintenance shed, at a private school located in the R-6 and R-20 zones.

It was unanimously RESOLVED that said appeal be continued.

**APPEAL No. PLZE201600175**

Appeal of Langhorne Partners, LP, 1 Langhorne Lane, Greenwich for a variance of front yard setback to permit the placement of a new pool on a lot located in the RA-4 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 location of wetlands. Therefore, the requested variance of front yard setback is granted from section 6-205.

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. PLZE201600182**

Appeal of Michael & Gloria Boccardi, 113 Woodside Drive, Greenwich for a variance of permitted stories to permit additions to an existing 3 and ½ story dwelling located in the R-12 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 lot's topography combined with the existence of wetlands. Therefore, the requested variance of permitted stories is granted from section 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.

Mr. Larson made a motion to approve the appeal which was second by Mr. Rogozinski.

Messrs. Larson, Delmhorst, Rogozinski and Sullivan voted in favor of the motion and Ms. Kirkpatrick voted against.

**The date of these minutes and rendition date of said decisions is May 23, 2016.**

**The next regular meeting is scheduled to be heard on May 25, 2016.**

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Arthur Delmhorst, Acting Secretary