PURPOSE

This application proposes an amendment to Section 32-18 of the Westport Zoning Regulations which among other incentives, permits adaptive re-use of existing historic, residential structure. More specifically, we seek to amend this section by adding language that would provide the Planning & Zoning Commission with the authority to modify the use of historic residential properties with existing ZBA use variances for limited office space as an accessory use, subject to Special Permit and Site Plan approval.

The object of this endeavor is the future use of existing office space in historic residential structures permitted by variance. Granting use variances are no longer considered desirable ZBA actions, hence some Owners of historic properties with approved variances for professional offices in residential buildings have no regulatory avenue to modify or update the use of such offices. Section 32-18, which encourages adapted reuse of historic properties in the name of preservation, provides a far more appropriate method of bringing iconic properties into the 21st century while assuring the preservation of historic residences.

Section 32-18 was famously adopted by the Planning & Zoning Commission to provide alternatives to the demolition of anachronistic historic structures. Although the majority of historic properties in Westport may currently be appropriately maintained. one has only to look to those historic properties that are not well-maintained to be reminded of the potential future of historic properties that are not protected by preservation easements.

32-18.9.4 Limited Offices:

One principal historic residence or portion thereof containing an existing office use approved by the Zoning Board of Appeals may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein, provided that the following requirements are met:

- a. Location: The site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and
 - iii. <u>must be within 500 feet of a municipal (Town-owned)</u> <u>public parking lot.</u>
- b. Office Uses: The allowable office uses shall be limited to those uses authorized by ZBA variance.
- c. Floor Area: The floor area devoted to limited office uses shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission.

32-18.9.4.(5) **Limited Offices**

One historic accessory structure or portion thereof containing an existing special permit use may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44,

except as modified herein; provided that the following requirements are met:

- a. Location: The existing Special Permit site (<u>lot</u>):
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and
 - iii. Must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Office <u>Uses</u>: The allowable office uses shall be limited to business, professional or other administrative offices accessory to and directly associated with the existing Special Permit Use. Healthcare offices, <u>medical</u> offices, <u>banks</u> and retail uses shall be excluded.
- c. <u>Floor Area</u>: The floor area devoted to limited office uses shall not exceed either; 5,100 square feet, 60% of the total existing floor area within the accessory <u>historic structure</u> or 20% of the total existing floor area on the site, whichever is less.

HISTORIC RESOURCES INVENTORY BUILDINGS AND STRUCTURES

FOR OFFICE USE ONLY

HISTORIC DISTRICT COMMISSION TOWN HALL	Tax Map # 5300 Site # 100 UTM: QUAD: District S NR
110 Myrtle Avenue	If NR. Specify
Westport, CT 06880	Actual Potential
203-226-8511 Ext. 210	
IDENTIFICATION	
1. STREET ADDRESS: 251 Main St	treet
2. BUILDING NAME: Historic: John Lee	
3. TOWN/CITY: Westport	
VILLAGE:	COUNTY: Fairfield
4. OWNER(S): Theodore and Carol Gluc	
	PRIVATE X
5. USE:	
Present Residence and Professional C	Offices
6. ACCESSIBILITY TO PUBLIC:	
Exterior Visible from Public Road	Interior Accessible
X YESNO	X YESNO
IF YES, EXPLAIN Commercial Offices	3
DESCRIPTION	
STYLE OF BUILDING: Shingle Style	
DATE OF CONCEDUCATION 1000	
MATERIAL(S) (indicate use or location	
Clapboard X Wood Shin	
Aluminum SidingAsbestos	
	Type:
	ne Cobblestone
Cut Stone Type:	
X Other (Specify): Rounded Stone B	

9. STRUCTURAL SYSTEM	
X Wood Frame Post and beam Balloon	
Load bearing masonry Structural iron or steel	
Other (Specify)	
10a. ROOF (Type)	
X Gable Flat Mansard Monitor Sawtooth	
Gambre X Shed Hip Round	
Other (Specify)	
10b. ROOF (Material)	
Wood Shingle Roll Asphalt Tin Slate	
X Asphalt Shingle Built-up Tile	
Other (Specify)	
11. NUMBER OF STORIES: Two and One Half (2-1/2)	_
APPROXIMATE DIMENSIONS: 60' wide x 80' deep	_
12. CONDITION	
a. Structural: Excellant Good Fair Deteriorated	
b. Exterior: Excellant X Good Fair Deteriorated	
13. INTEGRITY (Location):	
On original site Moved WHEN?	
ALTERATIONS: X Yes No	
If yes, explain: Professional office wing added to right front and	
entry door changes	_
14. RELATED OUTBUILDINGS OR LANDSCAPE FEATURES	
Barn Shed X Garage	
Carriage House Shop Garden	
X Other landscape features or buildings (specify) Backyard is all	
asphalt - large trees, lawn, gravel parking in front	

15.	SURROUNDING ENVIRONMENT				
	Open Land	Woodland	X Resid	ential	
	Scattered buildings	s visible from site	Comme	rical	
	Industrial	Rural	High bu	ilding density	
16.	INTERRELATIONSHIP OF BUI	ILDING AND SURROUND	INGS		
Row!	House sits at front end land house on the south	l of site. Crowden and an Italianate	d on to the house which	lot behind the T belonged to Lee's F	homas amily
17.	OTHER NOTABLE FEATURES (OF BUILDINGS OR SIT	E (interior a	nd/or exterior)	
cobb	This three-story, wood orative shingles in the olestone foundation. The curesque massing of this	e cross gables, clar ne projecting bays	board on the and enclose	first two stories	and a
SIGN	NIFICANCE				
18.	ARCHITECT:				
	BUILDER:				
19.	HISTORICAL OR ARCHITECTU	JRAL IMPORTANCE			

The cross gables arrangement, accents in wooden shingle decoration and clapboards combined with the cobblestone foundtaion are all part of the picturesque and somtimes pretentious Victorian shingle style. At a time when a man's home was his castle, his refuge from the hard, cruel capitalistic world John Lees, owner of Lee's Manufacturing Company built his Castle on Main Street. Crowding houses together with other members of the Lee's family this location must have held a high position of social status for the nineteenth century industrialist.

SOURCES

PHOTO

PHOTOGRAPHER: L	McWeeney	DATE:_	9/83	

VIEW: South and West Elevation NEGATIVE ON FILE: WHDC



COL	TON	TIP	BY
1 .1 1	VIPI	1 . H. I	I KY

NAME:	L. 1	McWeeney	DATE:
ORGANIZ	ATION:	Westport Historic Distri	ct Commission
ADDRESS	: West	oort Town Hall - 110 Myrtl	e Avenue - Westport, CT 06880

20. SUBSEQUENT FIELD EVALUATIONS

21. THREATS TO BUILDING OR SITE

None Known	Highways	Vandalism	Developers
Renewal	Private	Zoning	Deterioration
Other			
Explanation_			

HIST	TORIC RESOURCES INVENTORY	FOR OFFICE USE ONLY
BUI	LDING AND STRUCTURES	Town No.: 5300 Site No.: 100
	HISTORIC DISTRICT COMMISSION TOWN HALL	UTM ! ! ! ! ! ! ! ! ! !
	110 Myrtle Avenue	QUAD:
	Westport, Connecticut 06880	DISTRICT IF NR, SPECIFY
-	1. BUILDING NAME (Common) (Historic)	S NR Actual Potential
,	John Lee	i House
z	2. TOWN/CITY VILLAGE	COUNTY
ATIO	3. STREET AND NUMBER (and/or location)	1.70
FIC	4. OWNER(S)	·
DENTIFICATION	THEODORE & CHROL GLUCKMA	Public Private
10	S. USE (Present) (Historic) RESIDENCE & PROF. OFFICES	
	ACCESSIBILITY EXTERIOR VISIBLE FROM PUBLIC ROAD INTERIOR ACCESSIBLE IF YES, E)	CPLAIN
	TO PUBLIC: Yes No Yes No COMM.	OPPICES I DATE OF CONSTRUCTION
	Q.A. SHINGLE STYLE	c. 1900
	8. MATERIAL(S) (Indicate use or location when appropriate)	
	Clapboard Asbestos Siding Brick (Specific	Y) POUNDED STONE BATSE
	Wood Shingle Asphalt Siding Fieldstone	
	Board & Batten Stucco Cobblestone	
	Aluminum Concrete Cut stone Type:	
	9. STRUCTURAL SYSTEM Wood frame Post and beam balloon	170
	Load bearing masonry Structural iron or steel	1100
	Other (Specify)	
	10. ROOF (Type) Gable Flat Mansard Monitor sawtoo	*h
	C C C C C C C C C C C C C C C C C C C	
NO	Gambrel Shed Hip Round (Speci	fy)
IPT	(Material)	
DESCRIPTION	Wood Shingle Asphalt Tin Slate	
90	Asphalt shingle Built up Tile Other (Specify)	
	2'2 APPROXIMATE DIMENSIONS 60'inde × 80' day	
	12. CONDITION (Structural) (Exterior)	
		ood Fair Deteriorated
	13. INTEGRITY (Location) On original Moved WHEN? (Altertions) IF YES, EXPLAIN PROF. OFFICE 14. RELATED OUTBUILDINGS OR LANDSCAPE FEATURES	WING ADDED TO RIGHT FLANT
	Barn Shed Garage Other landscape features or building	ngs (Specify)
	Carriage Shop Gorden BACKYARD IS ALL A WARRE TREES, LAWN	GRANEL PARKING IN PROOF
	15. SURROUNDING ENVIRONMENT Open land Wood- land Residential Scattered buildings v	
	Commercial Indus- Rural High building density	

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SOURCES				
РНОТО	PHOTOGRAPHER L Madleney VIEW Sorth + e ast elev	NEGATIVE ON FILE	DATE	Place
ED BY	NAME Haluney ORGANIZATION	The second of th	DATE	Phatograph Here
COMPILED BY	ADDRESS SUBSECUENT FIELD EVALUATIONS			
21.	THREATS TO BUILDING OR SITE			
	None known Highways	Vandalism Develo	pers Other	

STATE OF CONNECTICUT

CONNECTICUT HISTORICAL COMMISSION 59 South Prospect Street, Hartford, CT 06106

HISTORIC RESOURCES INVENTORY FORM

For Buildings and Structures

CONTINUATION SHEET

Item number: _____

PAL, Pawtucket, RI 02860

June 2000

Address:

251 Main Street

Name:

House

NR District:

Local District:

Neg No.:

31:23

HRS ID No .:

0517





Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880

Tel: 203-341-1030 Fax: 203-454-6145

Planning and Zoning Department Request for Comments

Date: March 31, 2021

From: Mary Young, Planning and Zoning Director

RE: Text Amendment #789/PZ-21-00151, to modify §32-18, Historic Residential

Structures

\boxtimes	Building Department– Attn: Steve Smith	ssmith@westportct.gov
\boxtimes	Conservation Dept. – Attn: Alicia Mozian	amozian@westportct.gov
\boxtimes	DEEP – Attn: John Gaucher	john.gaucher@ct.gov
\boxtimes	DPW Engineering Dept Attn: Keith Wilberg	kwilberg@westportct.gov
\boxtimes	Fire Marshal - Attn: Nathaniel Gibbons	ngibbons@westportct.gov
\boxtimes	Historic District Commission – Attn. Donna Douglass	ddouglass@westportct.gov
\boxtimes	Parks & Recreation: Attn: Jennifer Fava	jfava@westportct.gov
\boxtimes	Police Dept Attn: Staff Alan D'Amura	adamura@westportct.gov
\boxtimes	RTM P&Z Committee Chair – Attn: Matt Mandell, FYI	matthew@westportd1.com
\boxtimes	Town Attorney – Attn: ⊠ Peter Gelderman	pgelderman@berchemmoses.com
	⊠Nick Bamonte, FYI	nbamonte@berchemmoses.com
	⊠Ira Bloom, FYI	ibloom@berchemmoses.com
	⊠Eileen Flug, FYI	eflug@westportct.gov

Westport Weston Health Dept. - Attn: Mark Cooper mcooper@wwhd.org

Proposal

X

Text Amendment #789, submitted by Mel Barr, barrplan@earthlink.net, proposes to modify §32-18, Historic Residential Structures, to add zoning incentives the Planning and Zoning Commission may grant to help preserve existing historic residential structures. The amendment if adopted, will grant Lot Area and Lot Shape relief to enable division of property in the Residence A district if the following criteria is met:

- (a) The lot is at least 0.6 acres, but not more than 1.0 acres, in size;
- (b) The lot has frontage on at least two streets, one of which must be public,
- (c) The lot is located within the Sewer Limit Line in the 2017 POCD, as amended; and
- (d) The lot contains at least one (1) Historic Residential Structure which shall be preserved and retained on one (1) of the new lots created.

The amendment will also allow Setbacks, Height and Coverage requirements for both lots to be governed by the Residence B District standards in §14-4, §14-5 and §14-6.

The targeted benefitting property is 8 Otter Trail off Imperial Avenue. 10 other properties qualify.

Attached herein for your review are materials prepared by Mel Barr, including:

- Text Amendment #789, dated 2/26/21; and
- Explanatory Statement for Text Amendment #789 w/attachments, revised 3/4/21.

The public hearing is scheduled for May 13, 2021. Please return written comments to me before: April 23, 2021.

Proposed Text Amendment Historic Residential Structures (HRS) New Subsection 32-18.5(f)

SEC. 32-8 HISTORIC RESIDENTIAL STRUCTURES

SEC. 32-18.5 Commission Action Proposed Subsection (f):

- (f) Allow lot area and shape in Residence A Districts to be reduced to an extent equal to the area and shape requirements of lots in the Residence B District. The incentives in this section apply only to a lot that: (a) is at least 0.6 acres, but not more than 1.0 acres, in size; (b) has frontage on at least two streets, one of which must be public, (c) is located within the Sewer Limit Line in the 2017 POCD, as amended; and (d) contains at least one (1) Historic Residential Structure which shall be preserved and retained on one (1) of the new lots created. The Setbacks, Height and Coverage requirements for both lots shall be governed by the standards in Sections 14-4, 14-5 and 14-6 for Residence B Districts. The following provisions shall also apply:
 - (i) The new lot created must have no more than a maximum of sixty percent (60%) of the original Gross Lot Area and each lot shall be of such shape that a rectangle of 60 feet x 80 feet will fit on the lot.
 - (ii) One lot created under this subsection must contain at least one (1) historic residential structure as defined herein and listed on the HDC's Historic Resources Inventory.
 - (iii) The incentives in §32-18 apply only to the lot on which there is a historic residential structure at least 100 year old or older and has not been remodeled for at least 20 years.
 - (iv) The age of the structure and remodeling shall be determined by the Actual Year Built (AYB) and the Actual Year Remodeled (AYR) both as listed on the Tax Assessor's Field Card records when submitted with the zoning application.

- (v) The new residential structure on the new lot that does not have a historic residential structure is not regulated by §32-18.
- (vi) However, said new residence on the new lot shall not exceed a maximum of 3,000 SF of total floor space on the 1st & 2nd floors, exclusive of basements, cellars, attics & garages.
- (vii) The general requirements for subdivisions or re-subdivision under §51 of these Regulations shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 hereof.
- (viii) This Subsection (f) shall expire one (1) year following the effective date of this zoning Text Amendment.

32-18.6 Conditions of Approval (Continued)



Land Use Planning
Development Coordination
Regulatory Process Management

Barr Associates LLC

Planning and Development Consultant

Revised: March 4, 2021 February 26, 2021

MEMORANDUM

To:

P&Z Commission

From:

Melvin H. Barr, Jr., Planning Consultant

Re:

Statement of Reasons

Proposed Text Amend

Sec. 32-18.5(f) of Historic Residential Structures

Purpose

Recently approved Text Amend. #701 for (Sec. 32-18.5(d) allowed the lot area and shape to be reduced on conforming lots in Res. AAA, AA and A Zones where there are two historic residences on the same lot, provided each new lot contained at least one historic structure. Text Amend #711 for Sec. 32-18.5(e) extended this lot-division concept to non-conforming lots containing 100-year old structures in the Res. AAA Zone where one of the new lots would contain a 100-year old structure, but the other could be vacant. This lot division concept was extended by Amend. #722 to include lots in the Res. AAA Zone that are divided by the Aspetuck River. One such lot division was approved on Coleytown Road.

The purpose of this amendment is to further expand the authority of the P&Z Commission to grant both Lot Area and Lot Shape incentives to help preserve other 100-year old historic structures on **conforming** lots in the Res. A Zone. The Residence A standards would be reduced to the requirements of the Residence B District. This would allow eligible properties to be divided into two (2) lots; one for retention of the existing historic residential structure and one vacant lot for a new house.

Such a lot division would provide the necessary economic incentive to preserve the existing historic residential structure by allowing a small home on the newly created vacant lot. Toward this end, the amendment proposes that this new residence not exceed a maximum of 3,000 SF of total floor space on the first and second floors.



Land Use Planning
Development Coordination
Regulatory Process Management

Barr Associates LLC

Planning and Development Consultant

Statement of Reasons Sec. 32-18.5(f) Page 2 of 3 Revised: March 4, 2021 February 26, 2021

Site Selection Criteria

An eligible property must contain at least 0.6 acres in area and contain an existing historic residential structure that: (a) is at least 100 years old; (b) is listed on the HDC's "Historic Resources Inventory" (HRI); and (c) has not been "Remodeled" for 20 years.

In order to further limit the number of potentially eligible lots in the Res. A Zone, the following additional site criteria is also proposed:

- 1. The site shall have lot frontage on at least two streets, one of which is public;
- 2. The site shall be located within the Town's Sewer Limit Line;
- 3. The new lot shall not exceed 60% of the original gross lot area; and
- 4. Each lot shall contain a rectangle of 60 feet x 80 feet.

Target Site

The "target" property for this proposed lot-division amendment is 8 Otter Trail off-of Imperial Avenue, which contains 0.64 acres and one historic Craftsman house built in 1919-20. The neighborhood contains a preponderance of non-conforming lots that were created and developed in the 1920's & 1930's by the Remlin Family. The division of this property would create two ¼ acre +/- lots with the existing historic house on Remlin Court and the new vacant lot off-of Otter Trail. Refer to attached GIS Map, Tax Card and Lot Split Map.

Other Potential Sites

Based on the proposed requirements and site eligibility criteria, there appear to be at least ten (10) other "Potentially Eligible **Conforming** Lots" in the Res. A Zone. Refer to the list of properties on the attached Table #1.

Sunset Provision

In addition to the site eligibility criteria, this proposed amendment also includes a "sunset provision" that would limit the "window of opportunity" to twelve (12) months, unless the Commission chose to modify or subsequently repeal this provision.



Land Use Planning Development Coordination Regulatory Process Management

Barr Associates LLC

Planning and Development Consultant

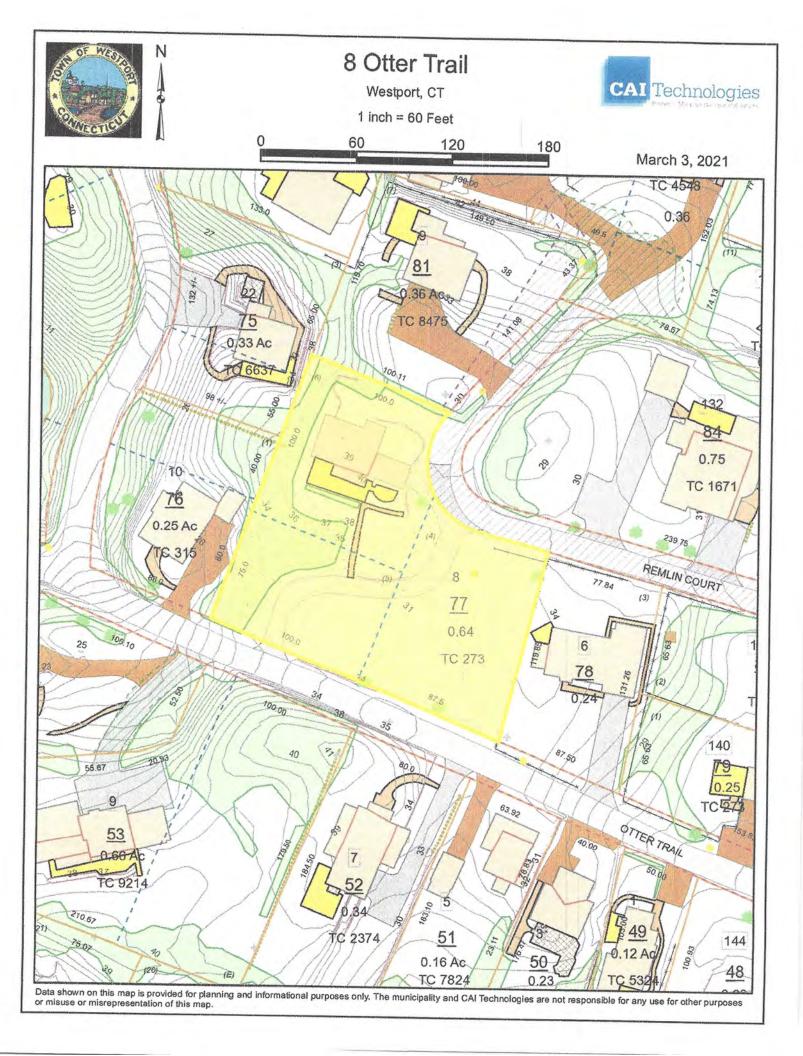
Statement of Reasons Sec. 32-18.5(f) Page 3 of 3

Revised: March 4, 2021 February 26, 2021

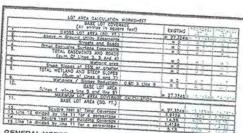
Town Plan

- 1. This proposed amendment is consistent with the 2017 Town Plan of Conservation & Development, in that it will help:
 - a) to protect historic resources, including use flexibility and dimensional flexibility, and to preserve Town character (Pg 22 & 25);
 - b) to encourage the ongoing efforts of public and private owners to sensitively preserve and maintain historic structures and sites (Pg 29); and
 - c) to maintain residential character and the overall residential density pattern within a range that is reflective of the built form of the neighborhood or otherwise appropriate for the location (Pg 83).
- 2. This amendment is also consistent with the Connecticut General Statues in that it offers a reasonable consideration for the protection of historic factors and would help to conserve the value of buildings and encourage the development of housing opportunities.

- Attachments: 1) 8 Otter Trail GIS Map
 - 2) 8 Otter Trail Tax Card
 - 3) 8 Otter Trail Lot Split Map
 - 4) Table #1 Eligible Lots



Print Date 12/23/2020 2:00:33 P	TOTAL AND IN			BAS BSW		20	, , , , , , , , , , , , , , , , , , ,									
Card # 1 of 1	BASS					755	1		A A		Table Amil					
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Cd Cd	00	ONDO DATA		ARK									S C			
14	8.0	Wood Shingle		Building Value New	Year Built Effective Year Built	Depreciation Code Remodel Rating Year Remodeled Depreciation %	Functional Obsol External Obsol Trend Factor Condition	Condition % Percent Good Cns Sect Rould Dep % Ovr	Misc Imp Ovr Comment Misc Imp Ovr Comment Cost to Cure Ovr Cost to Cure Ovr	A Sub Ty LB Units Unit Pric Yr Bit Cond. C % Gd Grade Grade Grade Grade		Living Area Flor Area Eur Area	1,194 En Area 1,194	****	0 570 0 18	



GENERAL NOTES:

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The Type of hunny performed to a Limited Property-Boundary Surrey, and is visuaded to be Existing Building Location Survey.

4. Soundary description is based upon a Department Resulting also MALP REPORTMENTS and Resort Device (

5. North Acrow is based on Majo Redovenoe at 1.

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7. This must be NOT CALLS IF allowed or clearling any party care. Pen the and depletes in the algority of this map. 8. Proceny unite Established Academing to Resort Device as

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Lot served by town server eyestern and public every supply

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MAP REFERENCES:

1. RECORD WAS #270 2. RECORD WAS #315 3. RECORD WAS #3007

where the same department is not some the street







REGULARITY FACTOR GALCULATIONS

BX 87.43.407

MINE!

AFT STATE



LAND SURVIVING

SERVICES, U.C.
1170 POST MOAD SUITE A-20
1270 POST MOA

DISERSON

AND DESCRIPTION AND TO SHOW IN A STREET A STREET AS A STREET A

JOE

TABLE #1

POTENTIALLY ELIGIBLE CONFORMING LOTS
IN THE RESIDENCE A ZONE
WITH 100 YEAR OLD HISTORIC HOUSE
ON A MINIMUM 0.6 ACRE SITE
FOR POSSIBLE LOT DIVISION
UNDER PROPOSED HRS SEC. 32-18.5(F)

	-	-	-	-	-	-	-				
REMODELED IN LAST 20 YEARS	2	2 2	2 2	2 2	2 2	2 2	2 2	2 2	zz	2 2	2 2
LISTED ON HRI	>	- >	- >	- >	- >	- >	- >	- >	- >	- >	- >
AGE OF HOUSE	1865	1012	1910	1880	1870	1000	1020	1970	1817	1010	1000
LOCATED IN SEWER SERVICE AREA	>	>	- >	. >	. >	. >	- >	- >	. >	. >	
FRONTAGE ON TWO STREETS	>	>	· >-	>	>	>	- >	>	>	>	>
LOT SHAPE 60'X80'	>	>	>	>	>	>	X	>	>	>	>
LOT SIZE 0.6-1.0	0.80	0.85	0.97	0.75	0.71	0.81	0.64	0.66	0.57	0.79	0.71
ADDRESS	17 CROSS HIGHWAY	63 COMPO BEACH RD.	82 COMPO RD S.	139 HILLSPOINT RD.	151 IMPERIAL AVE.	74 KINGS HWY S.	8 OTTER TRAIL	1 SAINT JOHN PLACE	2 SAINT JOHN PLACE	4 TRANQUILITY LANE	48 TREADWELL AVE.
PID MAP/LOT	D12/032	D03/054	D08/061	E06/052	C07/166	B07/002	C07/077	C10/116	C10/126	D07/049	11 806/007
#1	Н	7	3	4	2	9	7	8	6	10	11

NOTES: Y = YES; N = NO

SOURCE: TOWN GIS MAPS, TOWN TAX CARDS, 2017 POCD & HDC'S HISTORIC RESOURCE INVENTORY (HRI)

BARR ASSOC. LLC, FEBRUARY 2021; Rev. 3/4/21