



Town of Westport
Planning & Zoning Commission
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MEMORANDUM

TO: Whom it May Concern

FROM: Mary Young, Planning and Zoning Director

DATE: February 4, 2010, *Updated 8/2/21*

SUBJECT: Application of §32-18, Historic Residential Structures, Zoning History

The following is a chronology of the twenty-six (26) Special Permit/Site Plan applications submitted to the Planning and Zoning Commission requesting zoning incentives (or zoning relief) pursuant to §32-18, Residential Historic Structures, that became effective on 1/21/08 per Text Amendment #574. Twenty-three (23) Special Permits were Granted; two (2) were Approved by Stipulated Settlement; one (1) was Denied; and one (1) was Denied without Prejudice:

1. **38 Woodside Avenue** - Special Permit/Site Plan approval **GRANTED** to Alex Hyman by the Planning and Zoning Commission on 7/24/08 pursuant to Res. #08-043 for construction of proposed additions to an existing house. Zoning incentives granted provided setback relief.
2. **35 Wright Street** - Special Permit/Site Plan approval **GRANTED** to Carl and Cynthia Muller by the Planning and Zoning Commission on 10/16/08 pursuant to Res. #08-042 for additions to and conversion of an accessory building from a studio to an accessory apartment. Zoning incentives granted allowed use of an accessory building as a dwelling unit.
3. **8 Washington Avenue** - Special Permit/Site Plan approval **GRANTED** to Brendan Donohoe by the Planning and Zoning Commission on 3/5/09 pursuant to Res. #08-137 to convert an accessory structure into an accessory apartment. Zoning incentives granted allowed use of an accessory building as a dwelling unit.
4. **4 Baker Avenue** - Special Permit/Site Plan approval **GRANTED** to U.S. Realty, Inc. by the Planning and Zoning Commission on 4/2/09 pursuant to Res. #08-136 to convert an accessory building into an accessory apartment. Zoning incentives granted allowed use of an accessory building as a dwelling unit.
5. **3 and 5 Evergreen Avenue** - Special Permit/Site Plan request submitted by Steven Ruchefsy and Rondi Charleston **DENIED** by the Planning and Zoning Commission on 7/23/09 pursuant to Res. #09-048 to relocate mechanical (A/C) units from 3 Evergreen to 5 Evergreen with relief sought from front and side yard setbacks requirements. The resolution identified the reason for denial was: *"air conditioning units in the setbacks and on another lot is inconsistent with the Westport Zoning Regulations."*
6. **75 Church Lane** - Special Permit/Site Plan approval **GRANTED** to Christ and Holy Trinity Church by the Planning and Zoning Commission on 3/12/09 pursuant to Res. #08-140, for additions and renovations. Zoning incentives granted provided Coverage, Setback, Parking Design Standards, minimum parking standards, and landscape requirement relief.

7. **342 Greens Farms Road** - Special Permit/Site Plan approval **GRANTED** to Alexander A. and Christine DiGuido by the Planning and Zoning Commission on 6/4/09 pursuant to Res #09-035 to legalize additions to an existing attached garage. Zoning incentives granted provided setback relief.
8. **6 Gorham Avenue** - Special Permit/Site Plan approval **GRANTED** to Peter and Barbara Powell by the Planning and Zoning Commission on 11/19/09 pursuant to Res. # 09-083 to convert a detached garage to a customary home occupation. Zoning incentives granted allowed use of an accessory building as a dwelling unit.
9. **38 Compo Road North** - Special Permit/Site Plan approval **GRANTED** to John Kevin Huelster by the Planning and Zoning Commission on 12/2/10 pursuant to Res. #10-046 to locate a Home Occupation Level 2 in the existing Principal Building (known as the John Green or Gideon Hurlbutt house constructed in the early 1700's); and construct a new single family dwelling. The zoning incentives granted resulted from the Commission interpreting §32-18 to allow conversion of an existing Principal Building to an Accessory Building, and use of the newly-labeled Accessory Building as a Home Occupation. This was the first application that enabled construction of a new building based upon the "trade-off" it provided the incentive to preserve an existing historic structure.
10. **45 Maple Lane** - Special Permit/Site Plan request **DENIED WITHOUT PREJUDICE** to Maple Lane Property LLC by the Planning and Zoning Commission on 12/16/10 pursuant to Res. #10-041 to legalize a dwelling unit in an accessory building. Reasons for denial were procedural, and included:
 - *"The Planning and Zoning Commission finds the structure at 45 Maple Lane, formerly known as the W.W. Parsell Groceries and Dry Goods Store was not determined to be a Historic Structure or a historic accessory structure by the Historic District Commission or its' designee, prior to submission of the application to the Planning and Zoning Commission;*
 - *The Planning and Zoning Commission therefore finds the application is procedurally defective as it does not conform to the standards listed in §32-18.2.1.*
 - *Some members of the Planning and Zoning Commission find, but for this procedural defect, the structure formerly known as the W.W. Parsell Groceries and Dry Goods Store, would be eligible for consideration as a historic accessory structure, and the application could be approved."*
11. **38 Woodside Avenue** - Special Permit/Site Plan approval **GRANTED** to Alex Hyman by the Planning and Zoning Commission on 11/15/12 pursuant to Res. #12-047 to construct an addition and new detached accessory garage. This project represented a modification to the approval granted in 2008 pursuant to Res. #08-043. Zoning incentives granted provided setback relief.
12. **44 Bulkley Ave. N.** - Special Permit/Site Plan approval **GRANTED** to Kathleen and David Groener by the Planning and Zoning Commission on 5/30/13 pursuant to Res. #13-011 to expand an existing Pre-1959 Apartment located in a detached garage (no construction required). Zoning incentives granted allowed for expansion of a non-conforming use.
13. **275 North Ave. (aka 39 Coleytown Rd.)** - Special Permit/Site Plan approval **GRANTED** to Elda Capital Corporation by the Planning and Zoning Commission on 4/3/14 pursuant to Res. #14-001 to construct a new single-family dwelling and convert the existing Principal Building into an Accessory Building, and retain an existing Barn (previously approved for use as "Guest Quarters" with no kitchen). Zoning incentives granted setback relief for additions to the existing Principal Building, and interpreted §32-18 to allow conversion of the existing Principal Building to an Accessory Building thereby allowing for construction of a new 7,000 SF Principal Building for use as a single-family home.

14. **123 Compo Road South** - Special Permit/Site Plan approval **GRANTED** to Jennifer and Timothy Robson by the Planning and Zoning Commission on 5/15/14 pursuant to Res. #14-009 for a kitchen addition and detached garage apartment addition and therapy pool. A new accessory apartment was additionally approved on the second floor of garage. Zoning incentives granted provided setback, coverage and height relief for the garage addition, and to allow use of an accessory building as a dwelling unit.
15. **38 Woodside Ave.** - Special Permit/Site Plan request **DENIED** to Alex Hyman by the Planning and Zoning Commission on 6/12/14 pursuant to Res. #14-022 for legalization of generator, patios and A/C Units in the setbacks. The application was eventually **APPROVED BY STIPULATED SETTLEMENT on 11/20/14.**
16. **33 Meeker Rd.** - Special Permit/Site Plan application **GRANTED** to CHARLEY CO LLC, c/o Geoffrey Rochlin by the Planning and Zoning Commission on 7/17/14 pursuant to Res. #14-023 to:
 1. Modify the Principal Building for use as a single-family residence by retaining the historic portion of the building facing Sturges Highway, removing two side-wing “later” additions, and constructing a new 3-story addition to accommodate a 7-bedroom residence, facing Meeker Road.
 2. Modify an existing Accessory Building for use as a Home Occupation Level 1; and
 3. Modify a second existing Accessory Building for use as an Accessory Apartment.

Zoning incentives granted provided for setback relief for exterior work to the Accessory Buildings that were already located in the setbacks, as well as use relief to permit Accessory Buildings to be used for a Home Occupation and an Accessory Apartment.

The resolution was modified on 10/23/17 to approve the demolition of Accessory Building #1 since it could not be preserved according to the applicant. This was acknowledged and “approved” by the Joint Committee at a Special Meeting held on 10/10/17 and authorized by the Planning and Zoning Commission Chair on 10/13/17.

17. **188 Cross Highway** - Special Permit/Site Plan approval **GRANTED** to Wendy Van Wie, by the Planning and Zoning Commission on 11/17/16 pursuant to Res. #16-024 seeking incentives in the form of Lot Area and Lot Shape relief to allow subdivision of property (see Re-subdivision Appl. #16-025), that contains two historic structures. The Planning and Zoning Commission simultaneously approved a Resubdivision application to create one new lot pursuant to Res. #16-025.
18. **70 Turkey Hill Road South** - Special Permit/Site Plan approval **GRANTED** to Steven Lubin and Cecilia Dahlbalk by the Planning and Zoning Commission on 9/29/16 pursuant to Res. #16-027. Zoning incentives granted were in the form of setback relief to accommodate new entry stairs to the existing Historic Structure, and use relief to convert the existing Historic Structure/Principal Building into an Accessory Building for use as a second dwelling unit, and to construct a new, approximately 4,750 SF, 5-bedroom Principal Building for use as their primary residence.
19. **270 Saugatuck Ave.** - Special Permit/Site Plan approval **GRANTED** to O'Halloran Realty Company Associates, LLC by the Planning and Zoning Commission on 4/6/17 pursuant to Res. #17-015. Zoning incentives granted provided relief of Total Coverage and minimum parking requirements to allow a four-lot Open Space Resubdivision of property. The Commission simultaneously approved a four-lot open space re-subdivision application pursuant to Res. #17-004.

20. **320 Bayberry La.** – Special Permit/Site Plan approval **GRANTED** to Frederica S. Brenneman c/o Matt Brenneman by the Planning and Zoning Commission on 7/20/17 pursuant to Res. #17-035 to enable resubdivision of property and preservation of the Thrope-Speaks House. Zoning incentives granted provided setback relief. The Commission simultaneously approved a two lot resubdivision of property pursuant to Res. #17-036.
21. **275 North Ave. (aka 39 Coleytown Rd.)** - Special Permit/Site Plan approval **GRANTED** to Elda Capital Corporation by the Planning and Zoning Commission on 9/14/17 pursuant to Res. #17-041 for modifications to Res. #14-001, and to enable resubdivision of property and retention of Historic Structures. Zoning incentives granted provided Lot Area and Lot Shape relief. The Commission simultaneously approved a two lot resubdivision of property pursuant to Res. #17-042.
22. **53 Kings Highway North** - Special Permit/Site Plan approval **GRANTED** to Thad and Martha Eidman by the Planning and Zoning Commission on 12/7/17 pursuant to Res. #17-058 for additions to the Principal Building known as the Charles Fable House; to make additions to an existing Carriage House; and to replace an existing Garage with a new detached Accessory Building for use as an Accessory Apartment for a total of three (3) dwelling units on site. Zoning incentives granted provided Setback, Use, and Coverage relief.
23. **20-26 Morningside Drive North – Stipulated Settlement** associated with a prior denial pursuant to Res. #18-025 of a 3-lot subdivision of property at 26 Morningside Drive North. The settlement granted incentives for Setback and Coverage relief to relocate the “Artist’s Studio” to 24 Morningside Drive North, and allowed use of this same Historic Structure of a second dwelling unit.
24. **113 North Avenue** – Special Permit/Site Plan approval **GRANTED** to Simon Hallgarten and Robbyn Footlick by the Planning and Zoning Commission on 7/9/20 pursuant to Res. #PZ-20-0033 to convert the use and make renovations to an existing detached Barn/Garage including enclosing the structure with three garage doors and constructing dormers. Zoning incentives provided include: Side Setback, Accessory Building Height (number of stories), and Accessory Building use incentives to facilitate the building renovations, and to convert its’ use to a Home Office, Garage, and Gym. The Preservation Easement was limited to the Barn/Garage building only and did NOT include the Principal Building (Single-Family Home), as requested by the applicant.
25. **153 Easton Road** – Special Permit/Site Plan approval **GRANTED** to William Achilles on behalf of Rachel and Neil Cohn, by the Planning and Zoning Commission on 9/3/20 pursuant to Res. #PZ-20-00470 for use and setback incentives to: maintain the use of the Historic Accessory Structure as a garage with a 2nd dwelling unit (apartment); and maintain the AC unit location in the setback located 22’-4” from the property line (instead of 50’) that is serving the 2nd dwelling unit.
The Preservation Easement was limited to the Barn/Garage building only and did NOT include the Principal Building (Single-Family Home), as requested by the applicant.
26. **69 Kings Highway North** - Special Permit/Site Plan approval **GRANTED** to Jeffrey Boley by the Planning and Zoning Commission on 9/3/20 pursuant to #PZ-20-00524 to replace a garage with a slightly larger one requiring the following zoning incentives: Setbacks; to allow for a 6.5’ side setback instead of the required 10’ setback; Building Height; to allow for a 1.5 story instead of a 1-story tall garage; and Use; to allow for a portion of the garage (405 SF) to be used as a Home Office.
The Preservation Easement was limited to the Barn/Garage building only and did NOT include the Principal Building (Single-Family Home), as requested by the applicant.

27. **251 Main Street** – Special Permit/Site Plan approval **GRANTED** to Gloria Gouveia, on behalf of the property owner Zijad Sabovic, by the Planning and Zoning Commission on 7/22/21, Effective 8/21/21, for use incentives pursuant to Text Amendment #794 adopted simultaneously, allowing an existing medical use to remain that was previously approved by variance as a Home Occupation in the Residence A District by the Zoning Board of Appeals, without restrictions on owner occupancy.