



Town of Westport
Zoning Board of Appeals
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MEMORANDUM

To: Members of the Zoning Board of Appeals
From: Laurie Montagna, CAZEO, Zoning Official
Date: August 20, 2024



ADDRESS: 715 Post Road East
ZONE: General Business District (GBD)
ZBA #: ZBA-24-00234
PID #: E09186000
OWNER: William W. Taylor
APPLICANT: Same

Proposal: As the result of a taking of land by the State of Ct. Department of Transportation, to permit reduction of front landscaping buffer and increase in floor area ratio in association with construction of 4,220 sf office building previously approved by ZBA in cases #7609 and #7282, and for wall with fence on top in excess of 8' in the setback area, in General Business District, PID#E09186000.

Variances requested: Sec. 35-2.2.1 Front Landscape Buffer Strip
Sec. 24-8 for Floor Area
Sec. 31-3 and Sec. 5-2 (for wall/fence greater than 8' in setbacks)

Hardship Offered by Applicant: See attachment to application.

Variance History: #6999 – 1/10/12 - Laurel Fedor/William Taylor - To construct a new office building with concrete parking deck, for a variance to Sec 24-4 (setbacks), Sec 24-6 (coverage), Sec 24-8.2 (more than 25% floor area ratio), Sec 24-11 (parking and loading), Sec 32-9 (dumpster location), Sec 34-9.2 (compact car parking in excess of 20%), Sec 34-5 (parking), Sec 34-10 (loading space), Sec 34-11.4 (circulation), Sec 34-11-9 (back around), Sec 34-11.14 (dumpster location), Sec 35-2.2 (front landscape), Sec 35-2.3 (parking lot trees) and Sec 35-2.4 (buffer strip), to construct a new office building with concrete parking deck, in GBD zone **DENIED**

#7282 – 10/7/2014 – Laurel Fedor - For variance for front landscape area, for buffer strip, for fill within 5' of lot line, for FAR exceeding 25%, for loading space, for dumpster within front landscape, for no back up area, for two free-standing signs and for sign within 15' setback for a new 2 story building for office and medical use in General Business District **GRANTED WITH CONDITION**: The cellar to be used for mechanicals and storage only

Modified: 1/29/15: for Front landscape strip, Buffer Strip, Sign within 15' of property line to conform to the State of Connecticut DOT plan.

The specific variances approved in ZBA Case #7282 were:

Front landscape area	Sec. 35-2.2
Landscape buffer strip width	Sec. 32-2.44
Fill within 5' of lot line	Sec. 32-8.3.2
FAR more than 25% (32.48% approved)	Sec. 24-8.2
Loading space	Sec. 34-10
Dumpster within front landscaping area	Sec. 34-11.4 & Sec. 32-9
No-back up area	Sec. 34-11.9
Two free-standing signs	Sec. 33-8.4.1
Free-standing signs within 15' of lot line	Sec. 33-8.4.7

#7609 – 2/13/2018 – William Taylor - For variance for more cubic yards of cut and fill proposed than permitted, for changing grade more than 10 feet, for slopes exceeding 20%, for circulation of parking lot, for compact spaces in excess of 0% of total parking allowed to be compact and location of parking lot trees for a new two-story building for medical and office use in General Business District, **GRANTED**

The specific variances approved in ZBA case #7609 were:

More cut and fill than permitted in non-residential district	Sec. 32-8.2.2
Changing grade more than ten feet	Sec. 32-8.2.1(b)
Man made slopes exceeding 20%	Sec. 32-8.3.2
Circulation of parking lot	Sec. 34-11.4
Compact spaces in excess of 20%	Sec. 32-9.2
Location of parking trees not within parking field	Sec. 35-2.3.1
Trees not within islands	Sec. 35-2.3.2

Flood Zone Data:

Is the property in a Flood Zone?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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Additional Requirements:

Excavation & Fill Application Required?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
P&Z Site Plan/Special Permit Required?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Is this Application eligible for a Site Plan Waiver per §43-5.2?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is ARB Review Required?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Is CAM Site Plan Required? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	List Section:

Additional Information: 715 Post Road East is a 15,589 sf vacant lot in General Business District (GBD) that has received multiple variances for construction of a new commercial building. The State of Connecticut Department of Transportation (DOT) has taken a strip of land, 152 sf, on the western corner of the lot at the intersection of Roseville Road and Post Road East. The taking by the DOT has resulted in the landscape buffer being further reduced and the floor area ratio being increased from the prior ZBA approvals, requiring the need for this variance application.

Also, the applicant proposes an 8' high retaining wall on the north and west lot lines with a 42" fence on top, totaling 11.5' in height for safety reasons. Sec. 5-2 defines a fence as a **Structure**, if the fence or wall exceeds 8' in height. A fence greater than 8' cannot be located in the setback area. This application proposes an 8' wall with a 3.5' on top for safety. This wall that is 11.5' in height is located in the setback area, so a variance of Sec. 31-3 and Sec. 5-2 is needed.

The applicant wishes to retain the variances obtained in cases #7282 and #7609, for construction of a new office building. New building plans were not submitted with this application, and per the applicant, the plans approved in case #7282 are the plans that will be utilized to develop the property. Site Plan Approval by the Planning and Zoning Commission is needed for this project, followed by a zoning permit.

Lot Area: The existing size of the lot is 15,589 sf. The DOT proposes to take 152 sf, reducing the lot area to 15,437, which is the new gross lot area. There are 84 sf of steep slopes on the lot, so 80% of the slopes are deducted (67 sf), bringing the net lot area to 15,368 sf.

Floor Area Ratio: ZBA case # 7289 granted an increase to Floor Area Ratio of 32.48%, with a proposed building square footage of 5,041 sf (see enclosed calculations). FAR calculations use the gross lot area which is now 15,435 sf. The FAR is now 32.6%, which is an increase in what was approved in case #7609, so a variance for FAR is requested with this application.

Department Comments:

- **Engineering:** Approval from the Engineering Department for zoning permit issuance will be needed if the variance is granted.
- **Conservation:** Per comments from Nathan Hartshorne, Conservation Technical Staff, dated 4/12/2024, the project does not require Conservation Approval.