

Applicant's Explanatory Statement
Special Permit Application

Steven Warren (hereinafter the "Owner") owns the property known as 21 Norwalk Avenue, Westport, CT (hereinafter the "Property") and by way of this Special Permit Application (the "Application") seeks a special permit pursuant to Section 32-18 of the Westport Zoning Regulations (the "Regulations"). The impetus behind this application is to allow the Owner to slightly increase the existing house to accommodate his large, blended family while also preserving the historic residential structure and bringing it more in line with the historical aesthetic of the home.

The Property is an approximately 5,000 SF lot (0.11 acres) located in the Residence A zone and fronts on Norwalk Avenue along its northern boundary. The site is improved with a single-family dwelling that was constructed circa 1920. In 2014, the Property received approvals to raise the structure to FEMA standards, and as part of the approvals, the Property received a variance for setbacks, building coverage, total coverage and height (in feet), which means the Property is legally nonconforming (Variance #7279). The Property, located in the Compo Beach area, is surrounded with residential uses. The entire Property lies within the AE-11 flood zone and is in the Coastal Area Management (CAM) zone, however, this application is exempt from CAM review per Section 31-10.6.4 of the Regulations.

The Owner requests approval to lift the existing single-family dwelling to construct a two-car garage underneath with an addition at the rear of the dwelling increasing the footprint by 341 sq. ft. (the "Project"). In accordance with Section 32-18, the Owner is seeking certain incentives related to setbacks and coverage, which will be discussed below, to permit him to preserve the structure while making it suitable for the size of his family.

SETBACKS

As noted above, the Property has a Lot Area of 5,000 SF where 21,789 SF is required (approximately twenty-three percent (23%) of what is required in the Residence A zone). Lots with non-conforming Lot Area are permitted to use the reduced setbacks set forth in §6-3.1 of the Regulations, and a home located in a Special Flood Hazard Area is permitted to take advantage of the setback provision related thereto in §13-4. In addition, due to the granting of variance #7279, the existing setbacks are currently legally non-conforming. The graph below is helpful to depict the current and proposed status of the setbacks:

	REQUIRED (per § 6-3.1)	EXISTING	PROPOSED
Front	20'	8.7'	11.7'
Side	7.5'	4.8'	5.0'
Rear	25'	36'	26.3'

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If approved, this Project will bring the house more into compliance with regards to both front and side-yard setbacks. While the rear setback is reducing, as proposed it is still fully compliant with the Regulations.

COVERAGE

Under the Regulations, the Property is permitted Building Coverage of fifteen percent (15%) and Total Coverage of twenty-five percent (25%). Based on the size of the lot, that equates to 750 SF and 1,250 SF, respectively. As discussed above, in 2014 a variance was granted (#7279) as part of raising the structure for FEMA compliance which allowed the Property to have a Building Coverage of 1,239 SF (or 24.8%) and Total Coverage of 2,002 SF (or 40%). The Owner is proposing to increase the Building Coverage by 296 SF but also reducing the Total Coverage by 113 SF due to the reduction in the size of the driveway by relocating it to the front of the residence. The graph below depicts the current and proposed status of the on-site coverage for the Property:

	REQUIRED	EXISTING	PROPOSED
Building Coverage	15% / 750 SF	24.8% / 1,239 SF	30.7% / 1,535 SF
Total Coverage	25% / 1,250 SF	40% / 2,002 SF	37.8% / 1,889 SF

The modest increase to Building Coverage will allow the Owner to better accommodate his large family and will incentivize the preservation of the historic residential structure, which is the purpose behind §32-18 of the Regulations. The Owner is accomplishing the reduction in Total Coverage by relocating the driveway which currently extends all the way to the rear of the Property.

Finally, the modified single-family dwelling will continue to comply with all applicable FEMA flood regulations (FFE 16.167') and provide additional safety for any future increases to the flood elevation. Associated site development is proposed for the Project that includes a new driveway, new entry stair with a landing to access electric meters and drainage structures in the rear yard.

It is also important to note that an incentive for height is not necessary under the proposed application because if approved, the house will become fully compliant with the height requirements in the Regulations. Specifically, the Regulations require a maximum height of 30.26'. The house as it currently exists is legally non-conforming as to height since the height is 30'-3 1/8". The Owner proposes a height of 30'-2" which is fully compliant with the regulations. In its current configuration, the existing cupola allows for access through it to the roof deck. The current definition of height disallows this cupola from being exempt from contributing to the height as it provides area for "human habitation" per §5-2 (building height, height). Although granted a variance for this height in 2014, the cupola will be relocated so that the roof deck can no longer be accessed through it, thereby complying with the definition of a cupola. This will result

in the height becoming conforming with this proposal. The roof deck will be accessed via a hatch in the roof.

I. §32-18 Historic Residential Structure

The Owner proposes this Special Permit Application pursuant to Section 32-18 of the Regulations, whose goal “is to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures...” In accordance with Section 32-18.3, the Owner provides the following:

A. First, the existing home meets the criteria contained in Section 32-18.2.1(a) since the home is specifically identified in the Compo/Owenoke Historic District as listed on the National Register of Historic Places (1991) as a contributing example of a Colonial Revival Bungalow and has been determined to be historic by the Westport Historic District Commission (“HDC”) at their October 8, 2024 meeting.

B. Second, the existing home meets the criteria contained in Section 32-18.2.1(c) since the Property is listed on the Westport Historic Resources Inventory and has been determined to be historic by the HDC at their October 8, 2024 meeting.

C. Third, attached hereto is a draft perpetual preservation easement, enforceable by both the Commission and the HDC, pursuant to Conn. Gen. Stat. §47-42 (a)-(c).

In addition, Section 32-18.4 requires that the Westport Planning & Zoning Commission (the “Commission”) consider and determine the following:

1. The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.

As noted by the National Register of Historic Places, the subject property is located in the Compo/Owenoke Historic District and is a contributing example of a Colonial Revival Bungalow. As proposed, the Owner will be able to renovate the existing structure and preserve it, as opposed to having to demolish the structure and rebuild. Preserving Westport’s heritage is in the public interest and one way to accomplish that is to preserve those structures which evidence the town’s history.

2. The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.

As detailed above, the Project seeks to preserve the historical structure on the Property by raising it so that it will be safe from future floods and rising waters. The small addition to the rear of the residence will not disturb the exterior historic integrity of the historic structure and only serve to enhance the structure. As proposed, the front portion of the historic structure will be renovated to more closely resemble its historic look.

3. The historic structure or historic accessory structure will require height, setback, coverage, parking, landscaping and/or lot area and shape incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses or medical uses approved by the Zoning Board of Appeals, and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.

As proposed, the historic structure will require minor setback and coverage incentives.

4. The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.

The Property is located within a residential zone and a review of the attached plans shows that the Project will be consistent with the design, scale and massing of the structure as it currently stands and as it compares to its immediate surroundings. Even with raising the structure to accommodate parking below, the structure is compliant with the height requirements under the Regulations and as designed, the additional square feet of building coverage will be located at the rear of the structure such that it will not dramatically change the view from the street.

Furthermore, the scale of the home as proposed is consistent with the homes on the street. Our team analyzed the existing building coverage and total coverage for homes located on Norwalk Avenue, as well as 2 properties on the corner of Norwalk Avenue and Bradley Street (See Exhibit A attached hereto). The homes included as part of the analysis are as follows:

- i. 11 Bradley Street;
- ii. 15 Bradley Street;
- iii. 20 Norwalk Avenue;
- iv. 19 Norwalk Avenue;
- v. 18 Norwalk Avenue;
- vi. 16 Norwalk Avenue;
- vii. 15 Norwalk Avenue;
- viii. 14 Norwalk Avenue;
- ix. 12 Norwalk Avenue;
- x. 11 Norwalk Avenue;
- xi. 10 Norwalk Avenue;
- xii. 9 Norwalk Avenue;
- xiii. 8 Norwalk Avenue;
- xiv. 7 Norwalk Avenue;
- xv. 6 Norwalk Avenue.

The following chart shows that as proposed hereunder, the Property is consistent with the size and scale of other homes in the neighborhood:

	Neighborhood Building Coverage Avg.*	Subject Property Proposed Building Coverage	Neighborhood Total Coverage Avg.*	Subject Property Proposed Total Coverage
Percentage	32.03%	30.7%	46.22%	37.8%
Square Footage	1,677 sf	1,535 sf	2,413 sf	1,890 sf

*Note that the Subject Property’s existing figures were not included in determining the average building and total coverage for the neighborhood.

5. The proposal will not adversely affect public safety.

The Property is a residential lot and there is no risk to public safety in approving this Application. The raising of the structure to allow for parking beneath the house will serve to improve safety as it will reduce any potential street parking.

6. The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.

The project is consistent with the POCD and the Regulations for a number of reasons. First, Westport has stated its goal of preserving historic structures, and the Project accomplishes that goal. In addition, the project proposes to continue the use of the property as a single-family residence which is the permissible use in the zone.

7. The proposal will be consistent with §44-6; Special Permit standards.

See below.

II. §44-6 Special Permit Standards

Pursuant to the Regulations, the Commission shall consider the following when determining whether to approve an application for special permit:

1. Be in conformance with the Plan of Conservation and Development;

As stated above, the Project is consistent with the POCD and the Regulations for a number of reasons. First, the continued use of the Property as a single-family home is in conformance with the POCD. Second, one of the critical goals of the POCD is to protect the historical buildings and sites in Westport. (POCD 4.2). This Project seeks to preserve the historical structure located on the Property and intends to do so by raising it to protect it from future damage due to flood waters. Additionally, the POCD states that “Westport should

continue to promote and encourage property owners to elevate structures above the minimum FEMA requirements in order to extend the useful life of habitable structures. (POCD 6.3). This is exactly what this Application seeks to do.

2. Not prevent or inhibit the orderly growth and development of the area;

The subject property is already a single-family residence and the proposal to raise the structure and add an addition to the rear of the structure will not inhibit the growth and development of the area.

3. Not have a significant adverse effect on adjacent areas located within the close proximity to the use;

The proposed renovations to the home, specifically the modest addition at the rear and raising the structure to allow for parking beneath the house will not adversely affect the adjacent areas within close proximity to the house. As renovated, the house will more closely resemble its historical aesthetic and is of similar scale to the surrounding properties.

4. Not interfere with pedestrian circulation;

As a single-family structure, the house will have no impact to pedestrian circulation.

5. Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation;

As a single-family home, there will be no increase to traffic congestion in the area as it will continue to be the same use going forward and no changes are being proposed which would alter any traffic patterns. The ability to park vehicles below the house will have a positive affect regarding traffic congestion as it will reduce the chance/need for any on-street parking.

6. Not have a significant adverse effect on historical, archeological and/or paleontological sites;

To the contrary, by preserving the historic residential structure, the effect will be a positive as it will help preserve a piece of Westport's history.

7. Preserve important open space and other features of the natural environment related to the public health, safety and welfare;

This Property is located on a relatively small lot that is already developed and does not have open space or other features of the natural environment related to the public health, safety and welfare. As such, the Project will not be a detriment in this regard.

8. Not obstruct significant views which are important elements in maintaining the scenic resources of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings;

Even with raising the structure as proposed, the historic residential structure is fully compliant with the height limitations imposed by the Regulations and therefore will not adversely impact any significant views.

9. Not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;

As proposed there will be no impact to storm drainage, sewage disposal, or other municipal facilities.

10. Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

The Property is located within a residential zone and a review of the attached plans shows that the Project will be consistent with the design, scale and massing of the structure as it currently stands and as it compares to its immediate surroundings. Even with raising the structure to accommodate parking below, the structure is compliant with the height requirements under the Regulations and as designed, the additional square feet of building coverage will be located at the rear of the structure such that it will not dramatically change the view from the street.

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III. Application Materials Required under §44-1.

Under Section 44-1 of the Regulations, certain documents are typically required for Special Permit Applications. Pursuant to §44-4, we request that the following documents be waived:

1. Drainage Report:

The proposed Project does not meet the requirements under §44-2.4 for submission of a storm drainage analysis. As such we request that this document be waived.

2. Traffic Study:

Due to the fact that Owner is not proposing any construction that rises to the amount listed in Section 44-2.5, a traffic study is not required for this Application. As such we request that this document be waived.

3. Sewerage Report:

Pursuant to §44-2.6, a sewer impact analysis is not applicable since the proposal is not seeking to extend a public sanitary sewer line, install a new pump station, or provide a common sewer line serving two or more properties. As such we request that this document be waived.

4. Archaeological Report:

This Property has already been developed and does not involve disturbing any previously undisturbed land, thus an Archeological Report pursuant to Section 44-2.7 is not required. As such we request that this document be waived.

5. Sediment and Erosion Control Plan:

This Property is only 0.11 acres and therefore will not meet the requirements for submission of a sediment and erosion control plan. As such we request that this document be waived.

EXHIBIT A

