



**WESTPORT**<sup>SM</sup>

## Zoning Board of Appeals

Town Hall, 110 Myrtle Avenue, Room 203  
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Telephone (203) 341-1030

## MEMORANDUM

TO: Zoning Board of Appeals  
FROM: Michael Tartaglia, Zoning Official  
DATE: 11/05/24

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**ADDRESS:** 25 Powers Court AKA 27 Powers Court (Gabriel's Restaurant)  
**ZBA #:** ZBA-24-00603  
**ZONE:** Residence A district  
**PID #:** D10095000  
**OWNER:** WESTPORT COUNTRY PLAYHOUSE INC  
**APPLICANT:** Peter Romano, Landtech



**Proposal:** To construct two additions totaling 37.42SF over Total and Building Coverage and located in the side setback.

### History

- Site Plan #91-38 – Approved on 4/23/91 for façade changes to existing restaurant
- ZBA #4486 – Granted on 7/9/91 for a deck on the south side of the restaurant in the setback
- Special Permit #04-100 – Granted on 12/2/04 to reinstall patron bar and maintain 80 parking spaces

### Variances Needed

- §13-4 (Setbacks in Residence A District)
- §13-6 (Total and Building in Residence A District)
- §6-2.1.7 (Expansion of a non-conforming building)

**Hardship Offered by Applicant**

- Pre-existing, non-conforming lot

**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 checked="" type="checkbox"/>	NO <input type="checkbox"/>
Is Substantial Improvement 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**

- 25 Powers Court is a conforming lot with 3.108 acres [135,398] in a required .5 acre [21,780sf district] Residence A
- There are no wetlands or steep slopes on the property.
- The lot contains two (2) buildings
  - The playhouse was constructed in 1830 and converted from a barn into a theater in 1931
  - The restaurant building was constructed in 1940, with several tenants occupying the space since. Gabriel's Restaurant is the current tenant.
- These uses are considered to be legally non-conforming as they predate the Westport Zoning regulations.
- The proposal is for two one-story additions to the dishwashing room totaling 37.42sf with no change to building height.
- A variance is required for this proposal due to the proposed addition being located within the setback and over total coverage and building coverage.
  - The property is non-conforming to total coverage at 71.3% [96,562sf] and building coverage at 16.6% [22,542sf]
    - The proposal adds 37.42sf of total and building coverage.
    - The total coverage is proposed to be 71.3% [96,599]
    - The building coverage is proposed to be 16.7% [22,579sf]
  - The property is non-conforming to the required 15ft setback
    - The building currently encroaches 0.9' onto the adjacent 295 Post Rd E property
    - The proposed additions are proposed to be constructed abutting the property line.
- The proposed addition parks at 1 space per 500sf of non-patron floor area. The additional 37.42sf will not require any new parking spaces pursuant to §2-1.

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>
Setback (side)	15'	0'
Total Coverage	25% [33,849.5sf]	71.3% [96,599sf]
Building Coverage	15% [20,309.7sf]	16.7% [22,579sf]