

**CITY OF STAMFORD
ZONING BOARD OF APPEALS**

Stamford Government Center
888 Washington Blvd.
P.O. Box 10152
Stamford, CT 06904-2152

Telephone 203.977.4160 - Fax 203.977.4100 - E-mail mjudge@stamfordct.gov

PLEASE PRINT ALL INFORMATION IN INK

1. I/we hereby apply to the Zoning Board of Appeals for:

- ☒ Variance(s)
☐ Special Permit
☐ Appeal from Decision of Zoning Enforcement Officer
☐ Extension of Time
☐ Gasoline Station Site Approval
☐ Motor Vehicle Approval:

New Car Dealer () Used Car Dealer () General Repairer () Limited Repairer ()

2. Address of affected premises:

45 Sagamore Road, Stamford, CT 06902

street

zip code

Property is located on the north () south () east () west () side of the street.

*The Property is uniquely situated along three (3) different roads - see attached map for orientation.

Block: 155 Zone: R-10 Sewered Property (X) yes () no

Is the structure 50 years or older () yes (X) No

Corner Lots Only: Intersecting Street: See enclosed map for property with frontage on 3 sides.

Within 500 feet of another municipality: No (X) Yes () Town of _____

3. Owner of Property: Dr. Herbert F. Gretz III and Dr. Julianne M. Dunne

Address of Owner: 45 Sagamore Road Zip 06902

Applicant Name: Dr. Herbert F. Gretz III and Dr. Julianne M. Dunne

Address of Applicant 45 Sagamore Road Zip 06902

Agent Name: Nicholas W. Vitti Jr., Esq. c/o Murtha Cullina LLP

Address of Agent: 107 Elm Street, Ste 11-1, Stamford, CT Zip 06902

EMAIL ADDRESS: nvitti@murthalaw.com

(Must be provided to receive comments from letters of referral)

Telephone # of Agent 203.653.5435 Telephone # of Owner 917.992.0627

(CONTACT IS MADE WITH AGENT, IF ONE)

4. List all structures and uses presently existing on the affected property:

See attached survey and plans.

5. Describe in detail the proposed use and give pertinent linear and area dimensions:

See attached survey and plans. The applicant proposes the construction of a new pool/spa and amenities in the front yard on top of a raised patio, which would otherwise be considered a Permitted Obstruction under the Regulations. The improvements, as noted on the enclosed plans

would technically be located in the front yard on two (2) roads, given that the property has unusual frontage on three (3) separate roads.

VARIANCES (complete this section for variance requests only) See a Zoning Enforcement Officer for help in completing this section

Variance(s) of the following section(s) of the Zoning Regulations is requested
(provide detail of what is sought per the applicable section(s) of the Zoning Regulations):

Section 3, Section 3.B., definition of Accessory Structure to allow for a pool, patio, pergola, and outdoor fireplace to be located in the front yard along Ralsey Road South and South Sagamore Lane.

Section 4, Section 4.B.2.d.(2)(e) to allow for a 37' front yard setback in lieu of 40' required off of South Sagamore Lane for the location of the pergola.

DO NOT WRITE ON BACK OF PAGE

Variances of the Zoning Regulations **may** be granted where there is unusual hardship in the way of carrying out the strict letter of the Regulations solely with respect to a parcel of land where conditions especially affect such parcel but do not affect generally the district in which it is situated. In your own words:

A. Describe the unusual hardship in being unable to carry out the strict letter of the Zoning Regulations:

The parcel is unusual and unique in that it is 3 1/2 times the minimum lot size and technically has frontage on three (3) separate roads making every piece of the property a front yard.

In actuality, there is a rear yard for use purposes, but the application of the Zoning Regulations'

front-yard requirements creates an overly burdensome hardship for the property owner, essentially rendering the outdoor space as useless.

B. Explain why the variance(s) is/are the minimum necessary to afford relief:

The property required a variance in order to be constructed in 2005. To put reasonable and meaningful use and development of the property variances are needed.

C. Explain why granting of the variance(s) would not be injurious to the neighborhood.

The lot is oversized for its zone and the proposed pool and patio would be fully screened based upon the existing site conditions. No residential owners would have a view of the proposed construction. Given the uniqueness of the property and its vicinity to the Stamford Yacht Club, granting the requested variances would not create any negative precedent.

SPECIAL PERMIT

(Complete this section **only** for special exceptions)

SPECIAL EXCEPTION is requested as authorized by Section(s) Not applicable. of the Zoning Regulations.

Provide details of what is being sought:

Not applicable.

MOTOR VEHICLE APPLICATIONS

(Complete this section only for Motor Vehicle/Service Dealers Applications) Provide details of what is being sought.

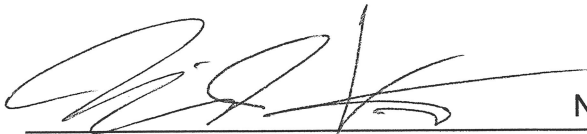
Not applicable.

APPEALS OF THE DECISION OF THE ZONING ENFORCEMENT OFFICER

(Complete this section **only** for appeals of zoning enforcement officer decision)

DECISION OF THE ZONING ENFORCEMENT OFFICER dated _____ is appealed because:

SIGNATURE REQUIRED FOR ALL APPLICATIONS



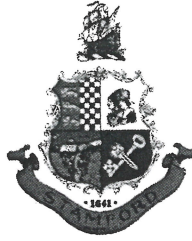
Nicholas W. Vitti Jr., Esq. of Murtha Cullina LLP, Agent

Signature of : ☒ Agent ☐ Applicant ☐ Owner

Date Filed: 9/21/23

Zoning Enforcement Officer Comments:

DO NOT WRITE ON BACK OF PAGE



**CITY OF STAMFORD
ZONING BOARD OF APPEALS**

APPLICATION PACKET

Board Members
Joseph Pigott, Chair
Claire Friedlander
Lauren Jacobson
George Dallas

Alternate
Ernest Matarasso
Matthew Tripolitsiotis
Jeremiah Hourihan

Land Use Administrative Assistant
Mary Judge

**ALL APPLICANTS MUST MAKE AN APPOINTMENT WITH THE ZONING
ENFORCEMENT OFFICE FOR PLAN REVIEW OF ZBA APPLICATIONS AT
LEAST TWO WEEKS PRIOR TO THE APPLICATION DEADLINE.**

Zoning Enforcement: _____

Date: _____

9/20/23

Is the project situated in the coastal boundary?

Yes (X) No ()

Is the project exempt from the coastal regulation?

Yes () Exemption # CSPR 1145 No (X) N/A ()

Environmental Protection: _____

Date: _____

CAM Review by: Zoning Board

☐

ZBA

☐

APPLICATION FOR COASTAL SITE PLAN REVIEW

#036-23

(Please print or type)

PROJECT LOCATION: 45 Sagamore Road, Stamford, CT 06902PROPERTY OWNER: Dr. Herbert F. Gretz III and Dr. Julianne M. DunneAPPLICANT NAME: SameADDRESS: 45 Sagamore RoadPHONE: (203) 653-5435 (Agent, Nicholas W. Vitti Jr., Esq., Murtha Cullina LLP)CONTACT FOR QUESTIONS: AgentACREAGE OF PROJECT PARCEL: .8322 acresSQUARE FEET OF PROPOSED BUILDING: Not applicableZONING DISTRICT OF PROJECT PARCEL: R-10PROJECT DESCRIPTION: The applicant proposes the addition of a new pool and patio deck.Coastal resources on which the project is located
or which will be affected by the project:
(See "Index of Policies" Planning Report 30)Coastal policies affected by the project:
(See "Index of Policies" Planning Report 30)

- ☐ a. bluffs or escarpments
☐ b. rocky shorefront
☐ c. beaches and dunes
☐ d. intertidal flats
☐ e. tidal wetlands
☐ f. freshwater wetlands
☐ g. estuarine embayments
☒ h. coastal flood hazard areas
☐ i. Coastal erosion hazard area
☐ j. developed shorefront
☐ k. islands
☐ l. coastal waters
☐ m. shorelands
☐ n. shellfish concentration areas
☐ o. general resource
☐ p. air resources

- ☐ a. water dependent uses
☐ b. ports and harbors
☐ c. coastal structures & filing
☐ d. dredging & navigation
☐ e. boating
☐ f. fisheries
☐ g. coastal recreation access
☐ h. sewer & water lines
☐ i. energy facilities
☐ j. fuel, chemicals & hazardous materials
☐ k. transportation
☐ l. solid waste
☐ m. dams, dikes & reservoirs
☐ n. shellfish concentration
☒ o. general development
☐ p. open space

If the project is adjacent to coastal waters, is the project water dependent? (See C.G.S. sec. 22a-93)
☐ Yes ☐ No ☒ Not Applicable

If yes, in what manner?

☐ Docks, piers, etc. ☐ General public access
☐ Industrial process or cooling waters ☐ Other, please specify: _____

What possible adverse or beneficial impacts may occur as a result of the project?

(Attach additional sheet if necessary)

No adverse impacts. Beneficial impacts include the implementation of temporary erosion controls during construction, and restoration immediately upon construction completion.

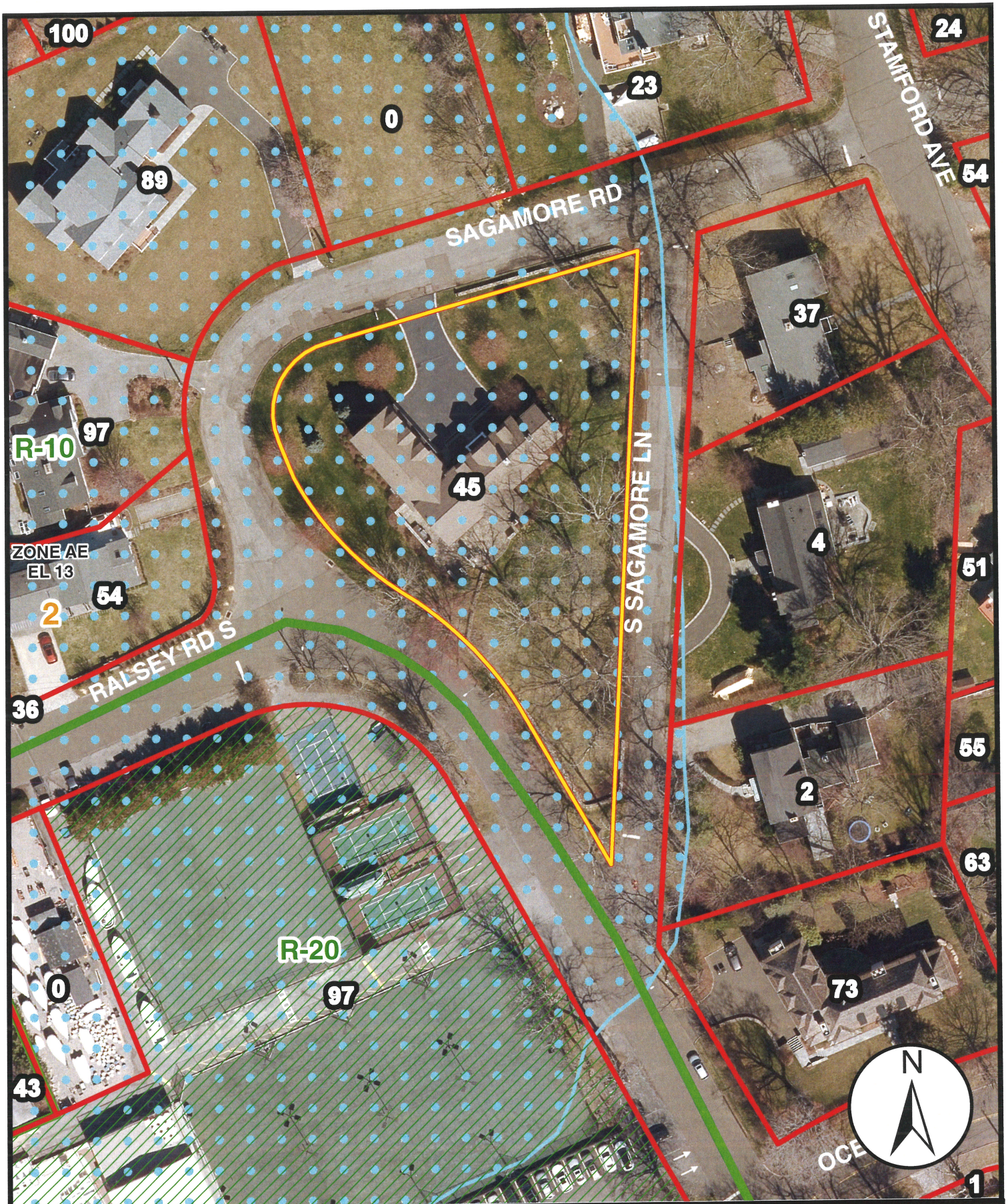
How is the proposal consistent with all applicable goals and policies of the CAM Act?

There will be no adverse impacts to adjacent properties and coastal resources.

What measures are being taken to mitigate adverse impacts and eliminate inconsistencies with the CAM Act?

(Attach additional sheet if necessary) Implementation of temporary sedimentation and erosion controls.Applicant Signature: 

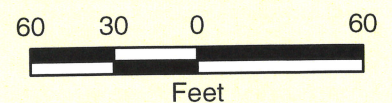
Nicholas W. Vitti Jr., Agent



ZBA Application #036-23
45 Sagamore Road

Date: 10/6/2023

1 inch = 67 feet



**45 Sagamore Road - Stamford, Connecticut
Herbert F. Gretz
Project Narrative - Drainage Management**

December 15, 2021
August 29, 2023

#036-23

Project Summary

The subject property is located within the Coastal Area Management (CAM) boundary and is not a waterfront property. The property is triangular in shape and has only front yards by zoning definition being bounded by South Ralsey Road, Sagamore Road, and South Sagamore Lane. The property, and therefore the proposed improvements, are located within Federal Emergency Management Agency (FEMA) Flood Zone AE (13') as depicted on Flood Insurance Rate Map (FIRM) Panel 09001C0519G having an effective date of July 8, 2013. Therefore, all improvements are being designed in accordance with Section 15.B.1 Flood Prone Area Regulations of the Stamford Zoning Regulations.

The proposed improvements include the construction of an in-ground swimming pool, pool terrace, pergola, outdoor fireplace, outdoor kitchen, pool equipment and pool security fencing. The pool and pool terrace, that will be an extension of the existing terrace, are proposed at elevation 14.3 feet, which is above the Stamford Minimum Elevation Standard of 14-feet NAVD88 for this property. The site grading will be minimal as the average existing grade proximate to the proposed improvements is about 12-feet NAVD88. The pool equipment is proposed to be placed on the easterly side of the dwelling with the equipment pad being proposed at elevation 14.0-feet NAVD88. The proposed site improvements and site grading are depicted on a plan entitled "Site Plan" Sheet 1 of 3, prepared for Herbert F. Gretz et al, dated August 22, 2023 prepared by D'Andrea Surveying & Engineering, P.C.

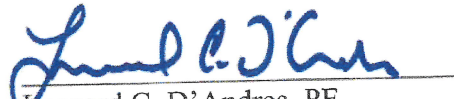
The plan has been prepared in support of a Zoning Board of Appeals variance application that was previously approved and has expired.

Drainage Summary

Under proposed conditions, the improvements would increase the impervious coverage by about 2,279 S.F. Soil test pits have been excavated in the area of the proposed subsurface stormwater infiltration system in support of our drainage design. The design plans other than a few minor revisions were previously reviewed by the Engineering Bureau as part of the previous CAM submission. Engineering Bureau review comments will be addressed prior to filing for CAM approval after the variance request is approved.

Conclusion

Runoff patterns will remain the same, and roof leaders will remain connected and not impacted by the proposed improvements. Since there will be an increase in impervious surfaces, a drainage management design has been developed to control the increase in accordance with the Stamford Drainage Manual such that the proposed improvements will not cause an adverse impact on local drainage patterns or adjacent properties.


Leonard C. D'Andrea, PE

MAYOR
CAROLINE SIMMONS
LAND USE BUREAU CHIEF
RALPH BLESSING



CITY OF STAMFORD, CONNECTICUT
STAMFORD GOVERNMENT CENTER
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904 - 2152

ZONING BOARD OF APPEALS
(203) 977-4160

Chair
Joseph Pigott

Board Administrator
Mary Judge

#036-23

February 24, 2022

Nicholas W. Vitti, Jr., Esq.
Murtha Cullina LLP
Four Stamford Plaza, Floor 11
Stamford, CT 06902

RE: Certificate of Decision for Property Located at 45 Sagamore Road
Application #003-22

Dear Applicant:

Attached is a copy of the Zoning Board of Appeals Certificate of Decision on your application.

The Certificate of Decision was filed with the Town Clerk of the City of Stamford and advertised in the legal notice section of the Stamford Advocate on February 24, 2022.

Please be advised this decision is subject to a 15-day appeal period, beginning February 24, 2022 and running thru March 11, 2022.

You may apply for your Building Permit any time after March 11, 2022.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary Judge".

Mary Judge
Board Administrator

Attachment
Cc: Dr. Herbert F. Gertz III & Julianne Dunne

IF A BUILDING PERMIT CANNOT BE OBTAINED PRIOR TO THE EXPIRATION DATE, THE APPLICANT CAN APPLY FOR AN EXTENSION OF TIME. THE APPLICANT MUST APPLY FOR AN EXTENSION OF TIME AT LEAST ONE MONTH PRIOR TO THE EXPIRATION DATE.

**CITY OF STAMFORD
888 WASHINGTON BOULEVARD
STAMFORD, CT 06901
ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION**

I, JAMES J. LUNNEY III, Zoning Enforcement Officer for the City of Stamford, in compliance with Special Act No. 379 of the 1951 General Assembly, hereby certify that on, February 9, 2022, a hearing was held (Via Zoom) by the Zoning Appeals Board on the application of:

GRETZ, III, HERBERT & DUNNE, JULIANNE

APPL. #003-22

for a variance of Section 3, Section 3.B. (Accessory Structures) of the Zoning Regulations in order to allow a pool and patio to be located in the front yard along Ralsey Road South and South Sagamore Lane. **THIS APPLICATION REQUIRES COASTAL AREA MANAGEMENT APPROVAL.**

**and that the land affected is owned by and located
on the following streets:**

<u>NAME</u>	<u>LOCATION</u>
Herbert Gretz III, & Julianne Dunne	45 Sagamore Lane

**and that the following is a statement of its findings
and approval or rejection:**

October 28, 2021

THE BOARD FINDS:

- 1. That there are special circumstances or conditions applying to the land or building(s) for which the variance(s) is/are sought, which circumstances or conditions are peculiar to such land or building(s) and do not apply generally to land or buildings in the district and have not resulted from any intentional act of the applicant in contravention to the Zoning Regulations.*
- 2. The strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building(s) and the granting of the variance(s) is/are necessary for the reasonable use of the land or building(s).*
- 3. That taking into consideration the purpose and intent of the regulations, the variance(s), as granted by the Board of Appeals, is/are the minimum variance(s) necessary to afford relief.*
- 4. That the granting of the variance(s) will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, impair the essential character of the area or otherwise be detrimental to the public welfare.*

GRETZ, III, HERBERT & DUNNE, JULIANNE

APPL. #003-22

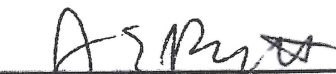
The Board **GRANTS** a variance of Section 3, Section 3.B. (Accessory Structures) of the Zoning Regulations to allow a pool and patio to be located in the front yard along Ralsey Road South and South Sagamore Lane, **THIS APPLICATION REQUIRES COASTAL AREA MANAGEMENT APPROVAL**, subject to the following restrictions:

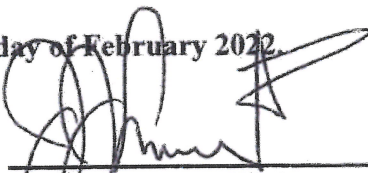
1. All concerns of the Engineering Bureau and The Environmental Protection Bureau shall be addressed prior to the issuance of a Building Permit.
2. There shall be no changes, additions or alterations of any kind made to the approved plans. Any changes/additions or alterations will require additional approvals by the Board.
3. The location, size, and appearance of the building and improvements shall be as per **approvals by the ZBA, SITE PLAN, dated revised 12-15-21, PARTIAL TOPOGRAPHIC SURVEY – EXISTING, dated revised 10/06/2021 and IMPROVEMENT LOCATION SURVEY - PROPOSED, dated revised 11/30/2021 and DEVELOPMENT PLAN dated 11/16/21**, copies of which are on file in the office of the Zoning Board of Appeals.

The applicant is allowed one year from the effective date of approval in which to obtain a building permit.

IF A BUILDING PERMIT CANNOT BE OBTAINED PRIOR TO THE EXPIRATION DATE, THE APPLICANT CAN APPLY FOR AN EXTENSION OF TIME. THE APPLICANT MUST APPLY FOR AN EXTENSION OF TIME AT LEAST ONE MONTH PRIOR TO THE EXPIRATION DATE.

Dated at Stamford, Connecticut this 24th day of February 2022.


Joseph Pigott, Chair
Zoning Board of Appeals


James J. Lunney III, R.A.
Zoning Enforcement Officer

The land hereby affected lies in Block #155
ref. 020922

MAYOR
CAROLINE SIMMONS



DIRECTOR OF OPERATIONS
MATTHEW QUIÑONES

LAND USE BUREAU CHIEF
RALPH BLESSING
(203) 977-4714

**CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU**
888 WASHINGTON BOULEVARD
P.O. Box 10152
STAMFORD, CT 06904-2152

June 30, 2022

#036-23

James Lunney
Zoning Enforcement Officer
City of Stamford, CT

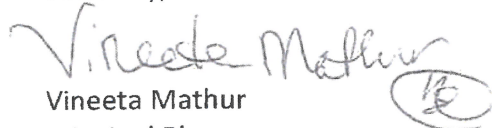
RE: CSPR 1145 – Herbert Gretz, 45 Sagamore Road, Stamford, CT –

At its regular meeting held on Monday, June 27, 2022, the Zoning Board reviewed and UNANIMOUSLY APPROVED AS MODIFIED the application for Coastal Site Plan Review to install an in-ground swimming pool along with a terrace and a pergola with conditions stated below prepared by EPB Staff and conditions prepared by Engineering Staff dated May 17, 2022. Property is located with the CAM boundary.

- 1) Endorsement of the drainage design shall be obtained from the Stamford Engineering Department prior to the start of any site activity and issuance of a building permit.
- 2) The pool equipment and air conditioning equipment shall be set above the Base Flood Elevation, if possible.
- 3) Final civil and other related plans shall be subject to the review and approval of EPB Staff prior to the start of any site activity and issuance of a building permit.
- 4) All sediment and erosion controls shall be installed and approved in writing by EPB staff prior to the start of any site activity.
- 5) Upon the completion of all construction activities and prior to EPB authorization for a final certificate of occupancy/completion, all disturbed earth surfaces shall be stabilized with topsoil, seed, and mulch, sod, or other suitable alternatives.
- 6) The permittee shall act upon a determination as to whether fixture(s) in the crawlspace need to be removed or raised above the Base Flood Elevation prior to EPB authorization for issuance of a certificate of occupancy/completion.

- 7) Prior to EPB Staff authorization for issuance of a certificate of occupancy, a Connecticut registered professional engineer shall provide written correspondence certifying (signed/sealed) the proposed improvements have been constructed in accordance with the provisions of the "Flood Prone Area Regulations" (Section 15.B of the Zoning Regulations) and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
- 8) All drainage and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and land surveyor. These drainage facilities shall be included on the improvement location survey and written certifications (engineer) shall be submitted to EPB Staff prior to EPB authorization for issuance of a certificate of occupancy/completion.
- 9) All landscaping shall be implemented under the supervision of a qualified landscape professional and certified as completed (signed/lettered) prior to EPB Staff authorization for issuance of a certificate of occupancy/completion.
- 10) Prior to EPB Staff authorization for issuance of a certificate of occupancy, the applicant shall execute a standard City of Stamford Drainage Maintenance Agreement on the Stamford Land Records.
- 11) Prior to EPB Staff authorization for issuance of a certificate of occupancy, the applicant shall execute a standard City of Landscape Maintenance Agreement on the Stamford Land Records.
- 12) Prior EPB Staff authorization for a certificate of occupancy/completion, that applicant shall submit a final improvement location survey (ILS) by a Connecticut Land Surveyor (signed/sealed) to confirm the full and proper completion of the proposed activities, particularly the location of structures, drainage facilities, and other features; site topography; and final site imperviousness totals.

Sincerely,


Vineeta Mathur
Principal Planner

cc: Len D'Andrea (applicant's representative), EPB, Bldg Dept.,

NICHOLAS W. VITTI, JR.
203.653.5435 DIRECT TELEPHONE
860.240.5921 DIRECT FACSIMILE
NVITTI@MURTHALAW.COM



September 20, 2023

#036-23

City of Stamford Zoning Board of Appeals
c/o Mary Judge
888 Washington Boulevard
Stamford, CT 06901

Via hand delivery and electronic mail: MJudge@StamfordCT.gov

Re: 45 Sagamore Road, Stamford, Connecticut 06902 (the "Property") –
Variance Application

Dear Mary:

Enclosed, please find one (1) original and eleven (11) copies of the following in furtherance of the above-referenced application for a Variance at the Property:

- City of Stamford, Zoning Board of Appeals Application Packet for a Variance (filled out and executed);
- Zoning Board of Appeals Application for Coastal Site Plan Review;
- Project Drainage Summary Report prepared by D'Andrea Surveying & Engineering, PC and dated August 29, 2023;
- Improvement Location Survey/ Zoning Location Survey prepared by Robert T. Hamilton of Professional Land Surveyors LLC with a revised date of August 21, 2023; and
- Site Plan showing proposed conditions prepared by D'Andrea Surveying & Engineering, PC with a revised date of 8/22/2023;
- Topographic Survey prepared by Robert T. Hamilton of Professional Land Surveyors LLC and dated April 25, 2022.
- 3D and Concept Renderings showing the proposed new pool, patio deck with outdoor fireplace relocation and pergola;
- Existing Photographs of the property including aerial views;
- Executed Agent Authorization;
- Executed Waiver of Time; and
- Legal Description for 45 Sagamore Road.

Murtha Cullina LLP
107 Elm Street
Four Stamford Plaza, 11th floor
Stamford, CT 06902
T 203.653.5400
F 203.653.5444

September 20, 2023
Page 2

Also enclosed are two (2) checks made payable to the City of Stamford for \$260.00 (application fee) and for \$65.00 (recording fee).

Note that the Property was the subject of a previous Variance application (Appl. #003-22) that was approved by the Zoning Board of Appeals on February 24, 2022 and a previous Coastal Site Plan Review (CSPR #1145) that was approved by the Zoning Board by letter dated June 30, 2022. Copies of both approvals are enclosed herewith as a matter of record, but unfortunately both have expired by the passage of time. Except for minor differences in design, the subject matter and requests under the previous approvals remain the same as the applications that are currently being filed.

Please let me know if you have any questions and thank you in advance for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nick Vitti", with a stylized flourish at the end.

Nicholas W. Vitti, Jr.