

**Minutes of  
ZONING BOARD OF APPEALS  
March 6, 2006**

**MEMBERS PRESENT**

Mrs. Yanicelli, Chairman  
Mr. Barfuss, Secretary  
Mrs. Davis  
Ms. Vollmer

**MEMBERS ABSENT**

Mr. Moylan

**ALTERNATES PRESENT**

Mr. Socci  
VACANCY  
VACANCY

**ALTERNATES ABSENT**

None

Also in Attendance:

Chris Jarboe, Town Attorney  
Steve Kleppin, Acting Town Planner/Zoning Enforcement Officer

**MEETING OPENED**

At 7:37 p.m.

Mrs. Yanicelli, Chairman, explained to those members of the public present how the proceedings would be conducted and that discussion and possible decision on each public hearing item will be held after the public hearing on each item.

**PUBLIC HEARING**

The Chairman then called the Public Hearing to order in the Town Hall Board Room. Mr. Socci was seated for Mr. Moylan. The call read as follows.

**LEGAL ADVERTISEMENT**

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, FEBRUARY 23, PAGE  
20A 2006

STATE OF CONNECTICUT  
TOWN OF NEW CANAAN  
ZONING BOARD  
OF APPEALS  
NOTICE IS HEREBY GIVEN  
that the ZONING BOARD OF  
APPEALS of the Town of New  
Canaan will hold a Public Hearing  
on Monday, March 6, 2006, in the  
Board Room of the Town Hall at  
7:30 p.m. to hear the following  
appeals and applications:  
1. Application of Edward  
Mellick, Authorized Agent, for  
New Canaan Country School, 545  
Ponus Ridge Road, for a variance  
of Sections 3.5.D. and 3.5.F.2 to  
allow 4.46% coverage (as granted  
by variance in 2001) for the  
proposed buildings and to allow  
three (3) stories for the addition  
to the Stevens Building in order

to match the existing three (3)  
stories, for property in the Two  
Acre Residence Zone (Map 25  
Block 12 Lots 160, 12 and 76 (409  
Frogtown Road). Carried over  
from February meeting.  
2. Application of Richard C.  
Lurie, Trustee, 341 Jelliff Mill  
Road, for a variance of Section  
3.5.E.3 to allow an accessory  
structure to be 22.9 feet from the  
right-of-way in lieu of the required  
35 feet, for property in the Two  
Acre Residence Zone (Map 24  
Block 241 Lot 18).  
3. Application of Christina A  
Ross, 523 Oenoke Ridge, for variances  
of Sections 3.4.B.4.b and  
3.4.B.5.b to allow an existing single  
family dwelling to remain in  
its present location and be used as  
a pool house, pending construction

of a new principal dwelling  
and to allow a pool to be located  
adjacent to the pool house, both  
within the front yard. The proposed  
new dwelling will be built  
at the rear of the property making  
the present location of the Philip  
Johnson house a non-conforming  
location for an accessory structure.  
The property is located in the  
Two Acre Residence Zone (Map  
33 Block 33 Lot 7).  
HANDICAP ACCESS  
DURING MEETING:  
Please notify the Planning &  
Zoning office in advance if wheelchair  
accessibility is required.  
FRANK BARFUSS,  
Secretary  
02/17/06  
2-23  
3-2

**II. Variance Applications:**

**2. Arthur and Amy Conley, 1012 Silvermine**

Regular Meeting on this Application

Application of Arthur and Amy Conley, 1012 Silvermine Road, for a variance of Section 3.5.E.3 to allow construction of a detached garage with a side yard setback of 7 feet in lieu of the required 25 feet, for property in the One Acre Residence Zone (Map 48 Block 112 Lot 25). Closed on January 9, 2006 meeting and continued from February 6, 2006 meeting.

This Item was heard before Item 1. Ms. Davis recused herself. After brief discussion Mr. Barfuss moved and Mr. Socci seconded that the variance be granted as amended by the map of Briggs Geddes showing the required distance from the septic system, and upon condition that the height be restricted according to the plans submitted. Unanimous approval, with conditions per the submitted plans on file with the Zoning Board of Appeals. The hardship is the width and the configuration of the lot.

Conditions, modifications, or restrictions are as follows:

1. Proposed barn/garage to be no closer than 7' to northern property line.
2. Proposed barn/garage to be located west of the setback of the existing septic system as approved by the Environmental Health Department.
3. Height of proposed structure not to exceed the requirements of Section 3.5.F.1.a.
4. Per plans titled "Country Carpenters, Inc., 24' Country Barn" prepared by Country Carpenters, Inc., pages 1-7, dated September 30, 2005, as revised November 29, 2005, on file with the Planning and Zoning Commission.

## **I. Appeal:**

### **1. Roy and Janice Abramowitz, 581 Laurel Road**

Regular Meeting on this Application

Appeal of Roy and Janice Abramowitz, 581 Laurel Road. The Abramowitz's are appealing the Cease and Desist Order issued by the Planning & Zoning office to remove the fence exceeding the Town height requirement which was constructed along the northern property line. The property is located in the Four Acre Residence Zone (Map 40 Block 105 Lot 68). Continued from November 7, 2005 meeting and closed on February 6, 2006 meeting.

This Item was heard after Item 2. Attorney Jarboe addressed various legal and procedural issues. Mr. Abramowitz requested that the matter be continued. Upon motion of Mr. Socci and second of Mr. Barfuss, it was unanimously continued to the next meeting.

## **II. Variance Applications (continued):**

### **3. New Canaan Country School, 545 Ponus Ridge Road**

Application of Edward Mellick, Authorized Agent, for New Canaan Country School, 545 Ponus Ridge Road, for a variance of Sections 3.5.D. and 3.5.F.2 to allow 4.46% coverage (as granted by variance in 2001) for the proposed buildings and to allow three (3) stories for the addition to the Stevens Building in order to match the existing three (3) stories, for property in the Two Acre Residence Zone (Map 25 Block 12 Lots 160, 12 and 76 (409 Frogtown Road). Carried over from February meeting.

Attorney Michael Sweeney appeared for Attorney Ed Mellick. He advised that all required notices are on file, then explained the situation saying a variance was granted in 2001 as to coverage, the proposed construction never occurred, and the construction has now been planned for a different location. Consequently applicant has requested another variance. Jim Rogers, architect, explained the proposed construction. The Public Hearing on this Item was closed.

Regular Meeting on this Application

Upon motion of Mr. Socci and second of Mr. Barfuss, the Board voted unanimously to grant the variance with conditions per the submitted plans on file with the Zoning Board of Appeals.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning location survey prepared for New Canaan Country School, prepared by RKW Land Surveying dated October 15, 1999, as revised December 13, 2005, on file with the Planning and Zoning Commission.
2. Per Existing Floor Plan A1.0, prepared Floor Plan A2.0 and Exterior Elevation A30 for Welles Building, prepared by Butler Rogers, Baskett dated December 23, 2005, on file with the Planning and Zoning Commission.
3. Per Lower Level Plan A1.0, Entry Level Plan A1.1, Upper Level Plan A1.2 and Exterior Elevations A2.0 and A2.1 for Stevens Building prepared by Butler, Rogers, Baskett, dated December 23, 2005.

#### **4. Richard C. Lurie, Trustee, 341 Jelliff Mill Road**

Application of Richard C. Lurie, Trustee, 341 Jelliff Mill Road, for a variance of Section 3.5.E.3 to allow an accessory structure to be 22.9 feet from the right-of-way in lieu of the required 35 feet, for property in the Two Acre Residence Zone (Map 24 Block 241 Lot 18). Richard Lurie presented the matter explaining he wants to remove an in-ground oil tank but has no basement in which to put the oil tank. Therefore, he wants to add a third bay to his garage and put the tank there. He presented letters from the neighbors showing their approval. Notices were provided as required. The Public Hearing was closed on this Item.

#### **Regular Meeting on this Application**

Upon motion of Mr. Socci and second of Mr. Barfuss the Board unanimously granted the variance, with conditions per the submitted plans on file with the Zoning Board of Appeals. The hardship is the configuration of the lot and the existence of the right-of-way.

Conditions, modifications, or restrictions are as follows:

1. Per “map prepared for Richard C. Lurie”, prepared by Office of Moody & O’Brien, LLC, dated January 3, 2006, on file with the Zoning Board of Appeals.
2. Per Proposed Building Section A-1, Proposed Plan A-2 and Proposed Elevation A-3 prepared by Balance Architecture, dated January 5, 2006, revised March 6, 2006, on file with the Zoning Board of Appeals.
3. Building height not to Exceed 15’.

#### **5. Christina A Ross, 523 Oenoke Ridge**

Application of Christina A Ross, 523 Oenoke Ridge, for variances of Sections 3.4.B.4.b and 3.4.B.5.b to allow an existing single family dwelling to remain in its present location and be used as a pool house, pending construction of a new principal dwelling and to allow a pool to be located adjacent to the pool house, both within the front yard. The proposed new dwelling will be built at the rear of the property making the present location of the Phillip Johnson house a non-conforming location for an accessory structure. The property is located in the Two Acre Residence Zone (Map 33 Block 33 Lot 7).

Christina Ross presented the application saying she wants to restore the Phillip Johnson house to its original condition, use it as a pool house, and build a new dwelling behind the Phillip Johnson house. She has an application pending before the wetlands commission. Attorney David Rucci, representing the Powells who are adjacent property owners, spoke in opposition saying there is no hardship, and if there is one, it is self-

created. Ms. Ross replied that the wetlands create a hardship, the best place to build is at the back of the property, and there is no coverage issue. The Public Hearing on this Item was closed.

#### Regular Meeting on this Application

Upon motion of Mr. Barfuss and second of Ms. Vollmer, the Board voted to grant the variances, four in favor, Ms. Davis opposing, upon condition that the pool house exterior remain architecturally pure as shown in photos of the Alice Ball house 1953 submitted for the record and with conditions per the submitted plans on file with the Zoning Board of Appeals. The hardship is the wetlands.

Conditions, modifications, or restrictions are as follows:

1. Per Site Plan SP-1 and Mitigation Plan SP-2 prepared by Cristina Aguire-Ross, AIA, dated January 11, 2006, on file with the Planning & Zoning Commission.
2. Per Site Plan – Partial South West Corner Demolition Renovation Philip Johnson Pool House SP-1A and SP-1B, dated February 1, 2006, Floor Plan Renovation Philip Johnson Pool House A-1, dated February 1, 2006, Exterior Elevators Renovation Philip Johnson Pool House A-2 and A-3, dated September 23, 2005 and Interior Elevations Renovation Philip Johnson Pool House A-4 and A-5, dated September 23, 2005 prepared by Cristina Aguire-Ross, AIA, on file with the Planning & Zoning Commission.
3. There shall be no change in height or footprint of the Philip Johnson House after the renovations.
4. Renovations to the Philip Johnson House to be in accordance with the plans contained within “The Houses of Philip Johnson”, by Stover Jenkins and David Mohny, Afterword by Neil Levine, Photographs by Steven Brooke, with the exception that there will be no kitchen within the Pool House.
5. Architectural Purity of Philip Johnson House as designed as the Alice Ball House, built in 1953.

#### **II. Regular Meeting:**

#### **APPROVAL OF MINUTES**

Approval of Minutes: January 9, 2006 and February 6, 2006.

Upon motion of Mr. Socci and second of Mr. Barfuss, the Board voted unanimously to approve the above minutes. Ms. Vollmer abstained as to the February minutes, due to absence.

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 9:00 p.m.

---

Frank Barfuss, Secretary

## LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MARCH 16, PAGE 24A  
2006

STATE OF CONNECTICUT  
TOWN OF NEW CANAAN  
ZONING BOARD  
OF APPEALS  
NOTICE IS HEREBY GIVEN  
that the ZONING BOARD OF  
APPEALS of the Town of New  
Canaan after a Public Hearing  
held on Monday, March 6, 2006  
duly adopted the following  
resolutions effective March 17,  
2006:

1. RESOLVED, application of  
Arthur and Amy Conley, 1012  
Silvermine Road, for a variance  
of Section 3.5.E.3 to allow construction  
of a detached garage  
with a side yard setback of 7 feet  
in lieu of the required 25 feet,  
for property in the One Acre  
Residence Zone (Map 48 Block  
112 Lot 25) is hereby approved  
with conditions.
2. RESOLVED, application  
of Edward Mellick, Authorized

Agent, for New Canaan Country  
School, 545 Ponus Ridge Road,  
for a variance of Sections 3.5.D.  
and 3.5.F.2 to allow 4.46% coverage  
(as granted by variance in  
2001) for the proposed buildings  
and to allow three (3) stories  
for the addition to the Stevens  
Building in order to match the  
existing three (3) stories, for property  
in the Two Acre Residence  
Zone (Map 25 Block 12 Lots  
160, 12 and 76 (409 Frogtown  
Road) is hereby approved with  
conditions

3. RESOLVED, application of  
Richard C. Lurie, Trustee, 341  
Jelliff Mill Road, for a variance  
of Section 3.5.E.3 to allow an  
accessory structure to be 22.9  
feet from the right-of-way in lieu  
of the required 35 feet, for property  
in the Two Acre Residence  
Zone (Map 24 Block 241 Lot 18)  
is hereby approved with conditions.

4. RESOLVED, application of  
Christina A Ross, 523 Oenoke  
Ridge, for variances of Sections  
3.4.B.4.b and 3.4.B.5.b to allow  
an existing single family dwelling  
to remain in its present location  
and be used as a pool house,  
pending construction of a new  
principal dwelling and to allow  
a pool to be located adjacent to  
the pool house, both within the  
front yard. The proposed new  
dwelling will be built at the rear  
of the property making the present  
location of the Philip Johnson  
house a non-conforming location  
for an accessory structure.  
The property is located in the  
Two Acre Residence Zone (Map  
33 Block 33 Lot 7) is hereby  
approved with conditions.  
FRANK BARFUSS,  
Secretary  
March 16, 2006  
3-16