

Rec'd @ PH 1/6/14 /

Application Number: 073-00

**CITY OF STAMFORD  
ZONING BOARD OF APPEALS**

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

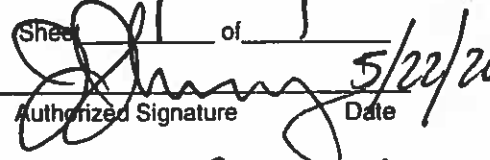
**ORIGINAL**

Telephone: 203.977.4160 Fax: 203.977.4100 E-Mail: [tfava@ci.stamford.ct.us](mailto:tfava@ci.stamford.ct.us)

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

- Variance(s)
- Special Exception
- Appeal From Decision of Zoning Enforcement Officer
- Other: \_\_\_\_\_

ZONING ENFORCEMENT APPROVAL  
For Submission To Zoning Board Of Appeals

Sheet 1 of 1  
  
 Authorized Signature Date 5/22/2000

2. Address of affected premises:  
68 Saddle Rock Road

street

06902 SEE NOTES

zip PG. SCHEDULE B

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

Corner Lots: Intersecting Street: Not Applicable

Block: 25 Zone(s): R-20 Parcel ID: \_\_\_\_\_ Sewered Property:    
yes no

Within 500 feet of another municipality:   Town of: Not Applicable  
yes no

3. OWNER OF PROPERTY: Karen A. Murphy and Kathleen A. Murphy

68 Saddle Rock Road  
ADDRESS OF OWNER: Stamford, Connecticut Zip 06902

APPLICANT NAME: Karen A. Murphy and Kathleen A. Murphy

68 Saddle Rock Road  
ADDRESS OF APPLICANT: Stamford, Connecticut Zip 06902

AGENT NAME: Ronald M. Gold

Benjamin & Gold, P. C.  
ADDRESS OF AGENT: 350 Bedford Street - Suite 403  
Stamford, Connecticut Zip 06901

Telephone of Contact: (203) - 425 - 8500 Fax of Contact: (203) - 425 - 8600  
(contact is identified in order of Agent, then Applicant, then Owner)

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

SEE SCHEDULE B

Describe the proposed use and give pertinent linear and area dimensions:

SEE SCHEDULE B

**VARIANCE(S)**

*(complete this section for variances requests - only)*

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

SEE SCHEDULE B

**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.**

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

SEE SCHEDULE B

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

SEE SCHEDULE B

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

SEE SCHEDULE B

**SPECIAL EXCEPTION**

*(complete this section for special exceptions - only)*

**SPECIAL EXCEPTION** is requested as authorized by Section(s)

\_\_\_\_\_ of the Zoning Regulations because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

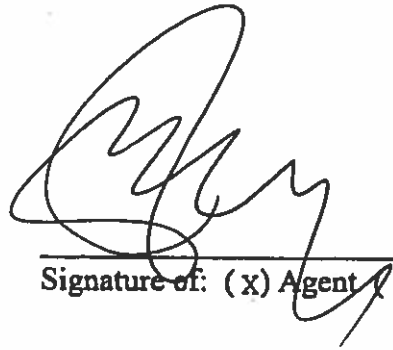
**DECISION OF THE ZONING ENFORCEMENT OFFICER**

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

**DECISION OF THE ZONING ENFORCEMENT OFFICER** dated \_\_\_\_\_ is

appealed because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_, Ronald M. Gold May 11, 2000

Signature of: (X) Agent ( ) Applicant ( ) Owner

Date Filed: \_\_\_\_\_

4

## SCHEDULE A

68 Saddle Rock Road, Stamford, Connecticut 06902

**ALL THAT CERTAIN** plot, piece, parcel of land together with the buildings thereon situated in the City of Stamford, County of Fairfield and State of Connecticut designated as Revised Lot No. 3 Area 43,503 square feet  $\pm$  as shown on **"MAP SHOWING ADJUSTMENT OF PROPERTY LINES PREPARED FOR SPRING REALTY CORPORATION, STAMFORD, CONNECTICUT"** and filed in the Stamford Land Records as Map No. 12226.

5

## SCHEDULE B

THIS APPLICATION FOR VARIANCES HAS BEEN FILED IN THE ZONING BOARD OF APPEALS OF THE CITY OF STAMFORD SIMULTANEOUSLY WITH AN APPLICATION APPEALING CERTAIN DECISIONS OF THE ZONING ENFORCEMENT OFFICER OF THE CITY OF STAMFORD. BASED UPON THE DECISION OF THE ZONING BOARD OF APPEALS IN SUCH OTHER APPLICATION, ALL OR A PORTION OF THE RELIEF REQUESTED HEREIN MAY NOT BE REQUIRED. IN SUCH EVENT, THE ZONING BOARD OF APPEALS IS REQUESTED TO ADOPT SUCH PORTIONS OF THIS APPLICATION AS MAY BE NECESSARY TO PROVIDE THE RELIEF REQUIRED FOR THE APPLICANT TO PROCEED WITH THE INTENDED PLAN OF DEVELOPMENT. FURTHER, THIS APPLICATION HAS BEEN PREPARED BASED UPON THE PRESENT INTERPRETATION OF APPLICABLE ZONING REGULATIONS BY THE ZONING ENFORCEMENT OFFICER OF THE CITY OF STAMFORD AND NO PORTION OF THIS APPLICATION SHOULD BE DEEMED TO BE THE POSITION OR ADMISSION OF THE APPLICANT.

---

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

Presently existing are: [i] a pied-à-terre [cottage] initially constructed as part of a compound comprising adjoining properties and used as a servant's quarters/guest house, now used as a temporary residence of one of the owners until the main dwelling is constructed; [ii] a greenhouse, initially part of the compound, used now and previously for greenhouse purposes; and, [iii] a garage, initially part of the compound, used now and previously for garage purposes.

**Describe the proposed use and give pertinent linear and area dimensions:**

The proposed use is unchanged; specifically, single family residential. A new two and one-half story main dwelling is proposed to the rear of the existing historic buildings. The proposed main dwelling will fully comply with all requirements for building height, building area [including the percent of lot covered by the existing historic buildings] and minimum yard dimensions [front, side and rear]. In addition, the proposed main dwelling will conform to all building lines established by applicable private restrictive covenants. This variance application relates solely to the preservation of the existing historic buildings. Specifically, the existing historic pied-à-terre [cottage] shall be used for occupancy by employees, guests and/or members of the immediate family of the owners of the subject property, all as provided by private restrictive covenant dated February 2, 1981 and recorded in Volume 2050 at Page 349 of the Stamford Land Records. The existing historic greenhouse shall continue to be used for greenhouse purposes and the existing historic garage shall continue to be used for garage purposes. The pied-à-terre [cottage] is 31 feet in length by 20 feet in width and [when calculated in the manner required for accessory structures] has a height of 18.9 feet. The pied-à-terre [cottage] covers 647.9 square feet of the subject property. The greenhouse is 28 feet in length by 18 feet in width and [when calculated in the manner required for accessory structures] is 12.7 feet in height. The greenhouse covers 498.2 square feet of the subject property. The garage is 52 feet in length by 25 feet in width and [when calculated in the manner required for accessory structures] is 18.3 feet in height. The garage covers 1,386 square feet of the subject property.

\* HT

---

SEE SCHEDULE B CONTINUED

073-00

SCHEDULE B CONTINUED

6

VARIANCE(S)

(complete this section for variances - only)

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

- A variance of Article II, Section 3A2 is requested to allow existing historic buildings to be considered as accessory buildings even though they were erected prior to the proposed erection of the main building and to allow the garage to be 18.3 feet in height and the pied-à-terre [cottage] to be one and one-half stories and 18.9 feet in height. ✓
- A variance of Article III, Section 6A is requested to allow the existing historic buildings to be located in the front yard of the proposed main building. ✓
- A variance of Article III, Section 6D is requested to allow the existing historic buildings to be in the front yard and to allow the garage to be 18.3 feet in height and the pied-à-terre [cottage] to be one and one-half stories and 18.9 feet in height. ✓
- A variance of Article III, Section 7A and Table III Appendix B: Schedule of Requirements for Area, Height and Bulk of Buildings is requested as to the existing historic buildings, which are presently non-conforming as to minimum yard dimension - side; specifically, the existing historic greenhouse has a minimum yard dimension - side of 9.3 feet in lieu of the 20 foot side yard required; the existing historic pied-à-terre [cottage] has a minimum yard dimension - side of 9.7 feet as to the side building wall and 7.7 feet as to the existing roof, eaves and decorative supports in lieu of the 20 foot side yard required [see Article III, Section 7D]; and, the existing historic garage has a minimum yard dimension - side of 12.9 as to the existing roof, eaves and decorative supports in lieu of the 15 foot side yard required. ✓
- A variance of Article III, Section 7I is requested to allow the maintenance of dwelling quarters within an accessory structure upon the front of the lot for occupancy by employees, guests and/or members of the immediate family of the owners of the subject property, all as provided by private restrictive covenant dated February 2, 1981 and recorded in Volume 2050 at Page 349 of the Stamford Land Records.   
*STATES BE USE ONLY BY PERSONS EMPLOYED IN DOMESTIC SERVICE UPON THE PREMISE* ✓  
 ? ?

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.

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

The shape of the lot is long and narrow; specifically, the minimum distance within the subject lot from the mean high water line to the front property line is 377 feet, while the width of the lot narrows to 79 feet, approximately half way through its length, roughly creating an hourglass shape. This unique hourglass shape was specifically reviewed and


7

SCHEDULE B CONTINUED

---

approved by the Planning Board of the City of Stamford to allow a subdivision while accommodating the preservation of the existing historic buildings on the subject property [as well as the main dwelling on adjoining revised Lot No. 2] which served as the main dwelling within the compound when all of the buildings together with a tennis court to the south were within a single lot.

Existing historic buildings on the subject property [pied-à-terre (cottage), greenhouse and garage] are clustered at the "front" [toward Saddle Rock Road] and the only practical site for the proposed main dwelling is at the "rear" of the hourglass shaped lot where a dwelling in harmony with the neighborhood can be constructed. Even at that, the main dwelling must be significantly smaller than the main dwellings that are typical on the waterfront lots joining and in proximity to the subject property. The proposed main dwelling will be built in strict accord with all zoning regulations.



Another condition especially affecting the subject property and not generally affecting the R-20 District, is the waterfront exposure to Long Island Sound on the southerly boundary. The Supreme Court of the State of Connecticut in *Dowling v. Zoning Board of Appeals*, 187 Conn 689 found the unique aspects of Long Island Sound frontage so compelling, that the property owner was allowed to consider the area between the main dwelling and Long Island Sound as the front yard [as opposed to area between the street and the main dwelling]. This unique treatment allowed the property owner the reasonable use of his sound front property to enjoy the seascape from a new main dwelling.

Finally, the elimination of any portion of these three historic buildings dating back to 1915, establishing the character in this area of Shippan and constructed prior to the existence of any zoning regulation or zoning authority in Stamford or Connecticut, would constitute an unreasonable destruction of invaluable historic structures. The owners, residents of Stamford and Connecticut, have a reasonable expectation in the protection of these historic buildings. In 1982, the legislature of the State of Connecticut enacted Connecticut General Statutes Section 22A-19a [see 22A-15 through 22A-19a] wherein the public trust in the air, water and other natural resources of the State of Connecticut to which each person is entitled to the protection, preservation and enhancement of same, was extended to "the unreasonable destruction of historic structures and landmarks . . .". The Attorney General, in Opinion 84-80, confirmed the applicability of such a public trust in and to historic structures on private properties.

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

None of the existing historic buildings shall be structurally altered, enlarged, rebuilt or moved. The variances are requested solely to allow the preservation of those existing historic buildings as accessory structures. No variance is requested for the construction of the proposed main dwelling which will be built in strict accordance with all zoning regulations and applicable private restrictive covenants.

**[C] Explain why granting of the variance(s) would not be injurious to the neighborhood:**

The existing historic buildings were erected around 1915 in the then popular Mediterranean Revival Style. They represent a rare example of preserved small structures of this period. The main dwellings on the two adjacent waterfront properties are of the same Mediterranean Revival Style as are a number of other homes in this area of Shippan. The proposed main dwelling is to be constructed in the same style to integrate the character of all of the buildings on the subject property. By preserving the existing buildings and adding a new residence in the same style, an enclave of Mediterranean Revival Style buildings harmonious and consistent with the neighborhood will enhance the immediate area.

073-00

**SCHEDULE C**

**LIST OF PROPERTY OWNERS ADJOINING  
68 SADDLE ROCK ROAD, STAMFORD, CONNECTICUT 06902**

Anne S. Rich  
74 Saddle Rock Road  
Stamford, Connecticut 06902

Kenneth Schwartz  
60 Saddle Rock Road  
Stamford, Connecticut 06902

Ocean Drive West Association LLC  
367 Ocean Drive West  
Stamford, Connecticut 06902



**SCHEDULE D**

**LIST OF PROPERTY OWNERS 100 FEET OR LESS DISTANT FROM  
68 SADDLE ROCK ROAD, STAMFORD, CONNECTICUT 06902**

**Kenyon Gillespie, Trustee  
CT National Bank & Trust  
777 Main Street  
Hartford, Connecticut 06115**

**David P. Tunick  
Elizabeth Tunick  
71 Saddle Rock Road  
Stamford, Connecticut 06902**

**Barbara Regina Anderson  
89 Saddle Rock Road  
Stamford, Connecticut 06902**

**Kenneth Schwartz  
60 Saddle Rock Road  
Stamford, Connecticut 06902**

**Anne S. Rich  
74 Saddle Rock Road  
Stamford, Connecticut 06902**

**Judith C. DeRose  
James F. DeRose  
46 Saddle Rock Road  
Stamford, Connecticut 06902**

**Ocean Drive West Association LLC  
367 Ocean Drive West  
Stamford, Connecticut 06902**

**Patricia G. Johnstone  
88 Saddle Rock Road  
Stamford, Connecticut 06902**