

STATEMENT OF NOTIFICATION OF PROPERTY OWNERS

APPLICATION No. 213-33 DATE: December 2, 2013

APPLICANT NAME Richard W. Redniss

PROPERTY LOCATION 68, 74, 88 89, 102, 107, 123 Saddle Rock Road, Stamford, CT

GENERAL DESCRIPTION OF APPLICATION Zone Change from R-20 (half acre) to RA-1 (one acre) to enable coastal homes to meet the Stamford and FEMA flood regulations and minimum elevations.

1. Names and Addresses of all owners of property as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if known to the applicant) within the area which is the subject of the application:

- Stewart & Rachael Shanley, 89 Saddle Rock Road, Stamford, CT 06902
- Steven G. & Sharon L. Christ, 107 Saddle Rock Road, Stamford, CT 06902
- Allen & Eleonora A. Silverman, 123 Saddle Rock Road, Stamford, CT 06902
- William W. Ward, Tr., 102 Saddle Rock Road, Stamford, CT 06902
- John J. Kirby, Jr. and Susan R. Cullman, 812 Park Avenue, #14E, New York, NY 10021
- John J. Kirby, Jr. and Susan R. Cullman, 74 Saddle Rock Road, Stamford, CT 06902
- Karen A. & Kathleen A. Murphy, 68 Saddle Rock Road, Stamford, CT 06902

(Add Supplemental Sheets if Necessary)

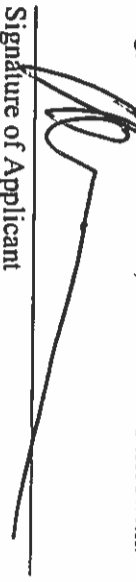
2. Names and Addresses of all owners of property as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if known to the applicant) within 500 feet in RA-2 One Family Residence Districts, 300 feet in RA-1 One Family Residence Districts and 100 feet in all other Districts, of the boundary of the area which is the subject of the application:

Please Refer to Attached Certificate of Mail.

(Add Supplemental Sheets if Necessary)

Listed above are the names and addresses of owners of all properties within the area which is the subject of the application, and of all properties 500 feet or less distant therefrom in the case of RA-2 One Family Residence Districts, 300 feet or less distant therefrom in the case of RA-1 One Family Residence Districts and 100 feet or less distant therefrom in all other Districts, all as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if otherwise known to the applicant), together with evidence in the form of U.S. Post Office Certificates of Mailing, indicating that property not more than 20, not less than 7 days prior to the date set for public hearing thereon.

A copy of the notification described above and certificates of mailing, as set forth above, are furnished herewith.


Signature of Applicant

REC'D @ PA
12.02.2013
DWK EX #1

REDNISS & MEAD

LAND SURVEYING | CIVIL ENGINEERING | PLANNING & ZONING CONSULTING | PERMITTING

JOHN J. KIRBY JR. & SUSAN R. CULLMAN
74 & 88 SADDLE ROCK ROAD, STAMFORD, CT
ZONING BOARD APPLICATION FOR ZONE CHANGE
PROPERTY OWNERS WITHIN 300' - CERTIFICATE OF MAIL

Simon J. & Carol Lee Hunt
34 Saddle Rock Road
Stamford, CT 06902-8229

Robert & Rachel Rangelov
75 Saddle Rock Road
Stamford, CT 06902



Michael & Aleya Lipkin
38 Saddle Rock Road
Stamford, CT 06902

Steven G. & Sharon L. Chrust
107 Saddle Rock Road
Stamford, CT 06902-8228

Kevin M. & Dianna Dwyer
60 Saddle Rock Road
Stamford, CT 06902-8229

Madan & Minoo Agarwal
86 Rogers Road
Stamford, CT 06902

Karen A. & Kathleen A. Murphy
68 Saddle Rock Road
Stamford, CT 06902-8230

Alistair H. Johnstone &
Patricia Giordano Johnstone
83 Rogers Road
Stamford, CT 06902-8225

John J. Kirby Jr. & Susan R. Cullman
74 Saddle Rock Road
Stamford, CT 06902-8230

John R. & Kelly A. Considine
91 Rogers Road
Stamford, CT 06902

John J. Kirby Jr. & Susan R. Cullman
812 Park Avenue, #14E
New York, NY 10021

Ocean Drive West Associates LLC
630 Fifth Avenue - 28th Floor
New York, NY 10111-0100

William W. Ward Tr.
102 Saddle Rock Road
Stamford, CT 06902

Mary Elizabeth Siegel
363 Ocean Drive West
Stamford, CT 06902

Allen & Eleanor A. Silverman
123 Saddle Rock Road
Stamford, CT 06902-8228

Voelkert & Karin K. Doeksen
630 Fifth Avenue, 28th Floor
New York, NY 10111-0100

David P. Tunick
71 Saddle Rock Road
Stamford, CT 06902-8228

John DiBacco
417 Ocean Drive West
Stamford, CT 06902



neopost
11/21/2013
\$09.00
ZIP 06905
041110225725

November 21, 2013

*Via Certificate of Mail***Re: #68, 74, 88, 89, 102, 107, and 123 Saddle Rock Road
ZB Application 213-33 (Zone Change from R-20 to RA-1)**

Dear Neighbor,

We are writing to you on behalf of Susan Cullman and John Kirby, owners of 74 and 88 Saddle Rock Road, and other property owners in the neighborhood to inform you of the application to change seven coastal properties at the southern tip of Saddle Rock Road from the R-20 (half acre) to the RA-1 (one-acre) zone. A map showing the properties that are proposed to be changed is enclosed.

As you may be aware, new construction and substantial renovations are required to meet the Stamford and FEMA flood regulations and minimum elevations. This requires raising the first finished floor above the flood elevation, which significantly limits the height and design of any new or redeveloped home. Changing the zone to RA-1 will allow residents an additional 5' (from 30' to 35') and one half story (from 2½ to 3), which will enable more flexible siting of homes and building design, reduce the need for more building coverage (and thereby enable smaller footprints), and avoid the extra approval of the ZBA. Plans would still undergo the vigorous zoning, CAM, and building permit process.

The application was reviewed, on referral, by the Planning Board of the City of Stamford who voted 5-0 in favor of recommending approval.

Pursuant to Article VI, Sections 20-B(1) and B(2) of the Stamford Zoning Regulations, we are writing to notify you that the Zoning Board has scheduled a Public Hearing for this application on the following date, place, and time:

Monday, December 2, 2013
Stamford Government Center, 4th Floor Cafeteria
888 Washington Boulevard
Stamford, CT 06901
7:00pm

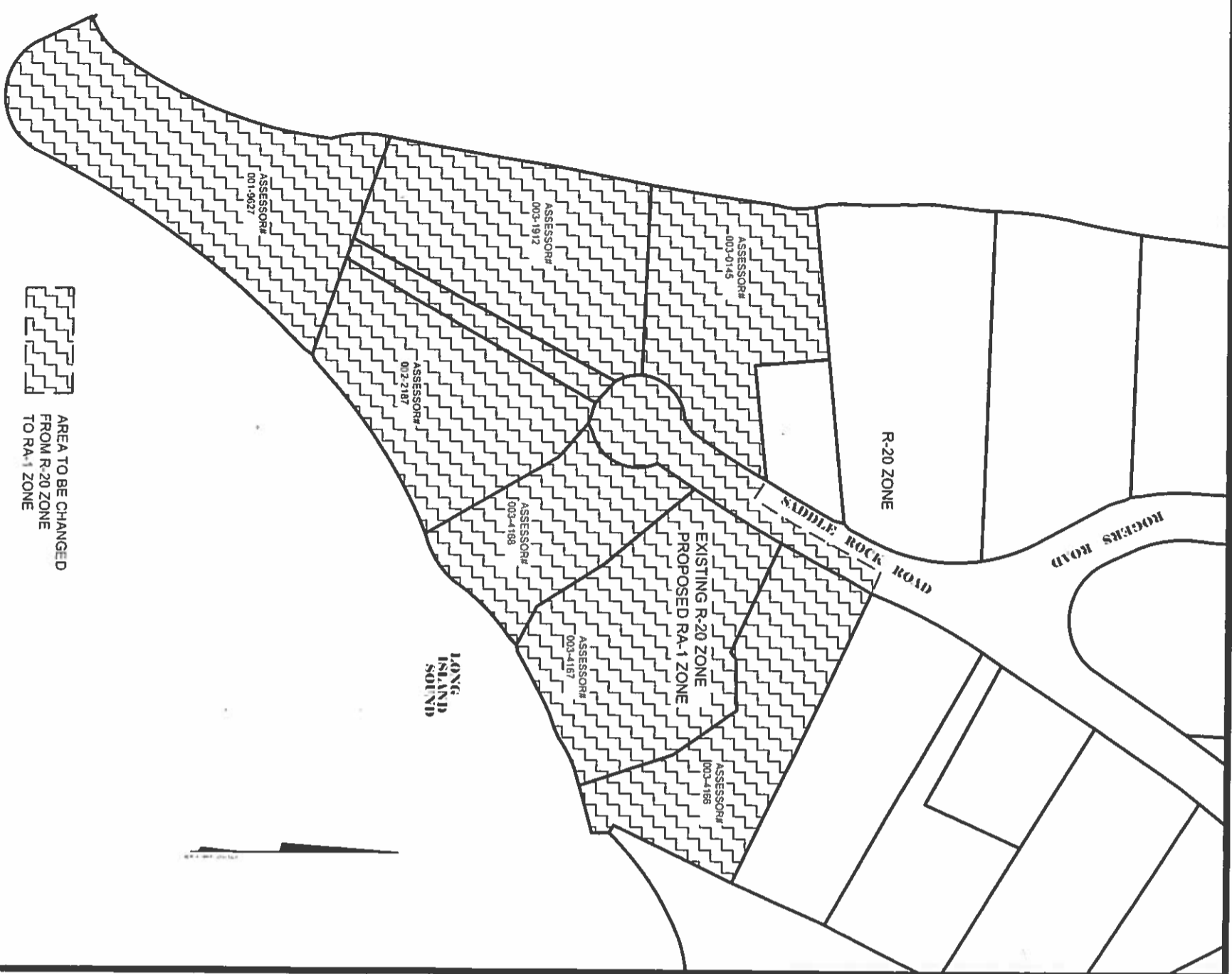
The hearing may be continued to such time and place as will be announced by the Zoning Board at the hearing. Additional application materials are available for your review at our office or in the Land Use Department, located on the 7th floor of the Stamford Government Center during regular business hours (Monday – Friday, 8:30 a.m. – 4:30 p.m.).

Should you have any questions or wish to discuss the plans, please feel free to contact us.

Sincerely,


Richard W. Redniss, AICP

Enclosures
cc: N. Cole, Land Use Bureau Chief



AREA TO BE CHANGED
FROM R-20 ZONE
TO RA-1 ZONE

ZONE CHANGE
SADDLE ROCK ROAD

Redniss & Mead
ENGINEERS SURVEYORS P. ANNERS WWW.REDNISSMEAD.COM
22 FIRST STREET STAMFORD CONNECTICUT 06905 203.377.4800

COMM. NO.:	7683	DATE:	10/07/13
SCALE:	1"=150'		

WPTZ

§13 RESIDENCE A DISTRICT Revised 01-04-13

13-1 Purpose

The purpose of the A District is to allow single-family residences on a minimum 1/2 acre lot. The A District provisions are intended to encourage moderate density residential development for primarily residential and related purposes in areas primarily served by centralized sewerage facilities.

13-2 Permitted Uses

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

13-3 Area and Shape (See Definitions)

Each lot shall have a minimum area of one-half (1/2) acre (21,780 square feet) and shall be of such shape that a rectangle one hundred (100) feet by one hundred fifty (150) feet will fit on the lot.

13-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from any street line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

13-5 Height

No principal building or other structure located north of the railroad tracks shall exceed two and one-half stories (2-1/2) and a height of thirty-five (35) feet. No principal building or structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for a structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawlspace).

13-1

REC'D

PH, 12-02-13

PK-#3

M Plan

majority of areas so designated are not served by public water supply and public sanitary sewer systems. Residential density shall not exceed one principal dwelling unit per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#2. RESIDENTIAL—Low Density Single-Family

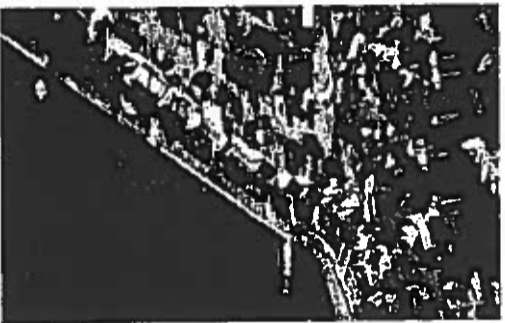
This category is intended to provide for and protect a suitable environment for single-family dwellings, as well as compatible uses (e.g., schools, houses of worship, clubs and institutions) as may be permitted by Special Exception being in general harmony with and supportive of single-family neighborhoods. Development on parcels less than one acre is permitted where the availability of public utilities, public road systems, and other essential public services and the density of existing development so warrant. Residential density shall not exceed six principal dwelling units per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#3. RESIDENTIAL—Low Density Multifamily

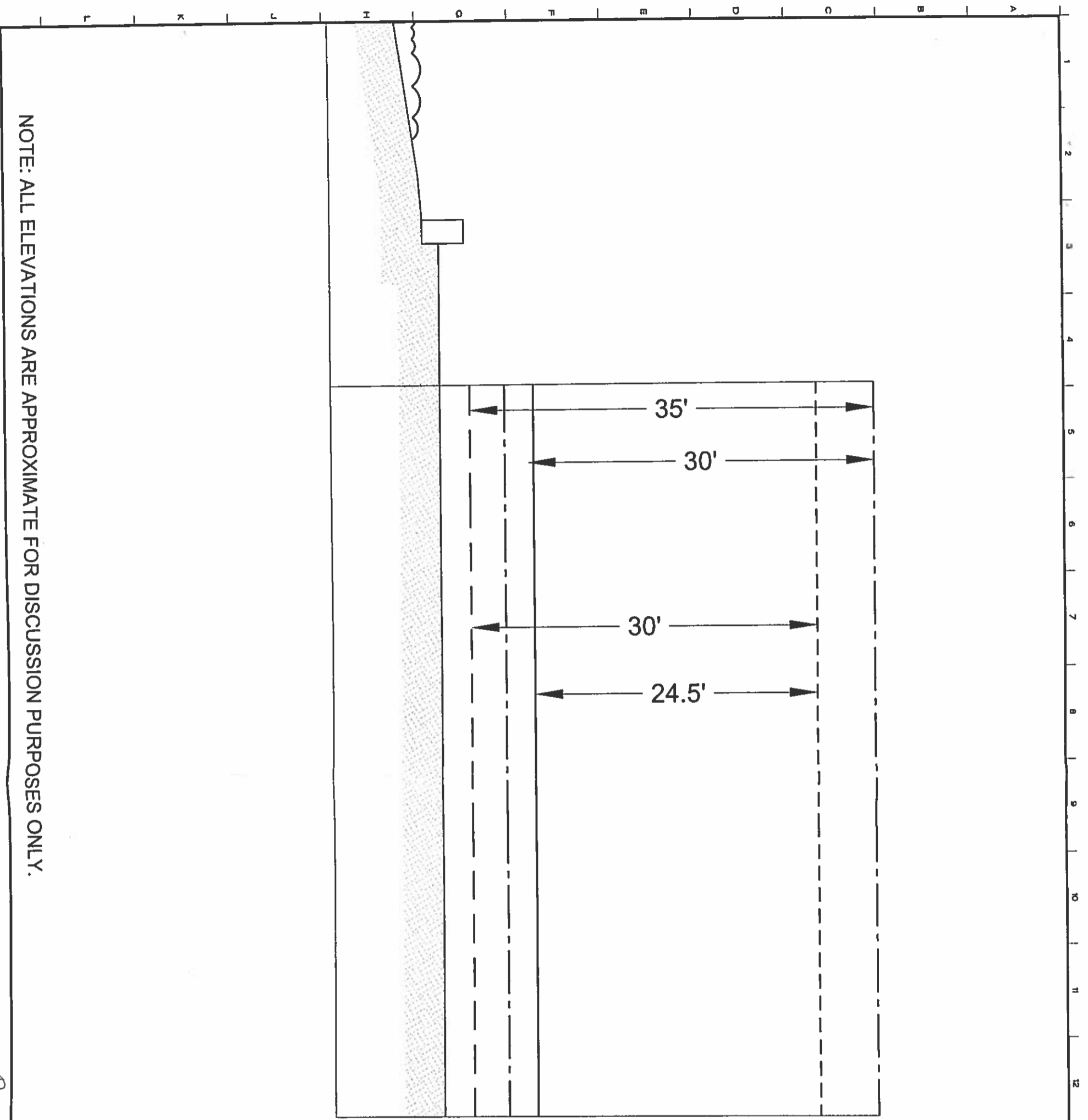
This category is intended to allow the amenities of multifamily living in a single-family neighborhood setting. The category is intended to provide for and protect single-family dwellings and the least intensive of multifamily development (i.e., garden apartments or similar condominium-type units) as well as one- and two-family units on individual lots, and includes such other compatible uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 17 dwelling units per acre, or a total of 25 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special Exception, not to exceed a total of 25 units per acre, provided that (1) a substantial number of such bonus units are provided at below-market rates, and/or (2) the units are created in connection with the adaptive reuse of an historic structure.

#4. RESIDENTIAL—Medium Density Multifamily

This category is intended to provide for and protect medium-density multifamily development. The category is appropriate to areas in transition from lower to medium-density use, or in areas characterized by a mixture of apartment, condominium, attached row house, or detached residential mid-rise structures, and such other uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 29 dwelling units per acre, or a total of 44 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special



EX.#4
PM - 12-02-2013




ELEV. = 47.0

ELEV. = 42.0

#74 SRR FFE=17.5 (2.5' ABOVE 2013 MIN.)
 ELEV. = 15.0 (MINIMUM FFE)
 ELEV. = 12.0 (FILL)
 ELEV. = 9.0 (EXISTING)

NOTE: ALL ELEVATIONS ARE APPROXIMATE FOR DISCUSSION PURPOSES ONLY.

 REDNISS & MEAD LAND SURVEYING 27 Paul Street Stamford, CT 06902 TEL: 203/357-2600 FAX: 203/357-1118 www.rednissandmead.com	
ELEVATION SECTION DEPICTING 74 SADDLE ROCK ROAD STAMFORD, CT	
SCALE DRAWN BY: VHI CHECKED BY: DMG	DATE: 12/02/2012 PROJECT NO.: 12-02-2012 SHEET NO.: EX-1

Redn. EXHIBIT - PH
 12-02-2012
 EX #2

Richard W. Redniss

David Tunick

From: Richard W. Redniss
Sent: Monday, December 02, 2013 3:53 PM
To: Richard W. Redniss
Subject: FW: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)

From: David Tunick [mailto:dtunick@tunickart.com]
Sent: Monday, December 02, 2013 6:37 AM
To: Richard W. Redniss
Subject: Re: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)

Rick,

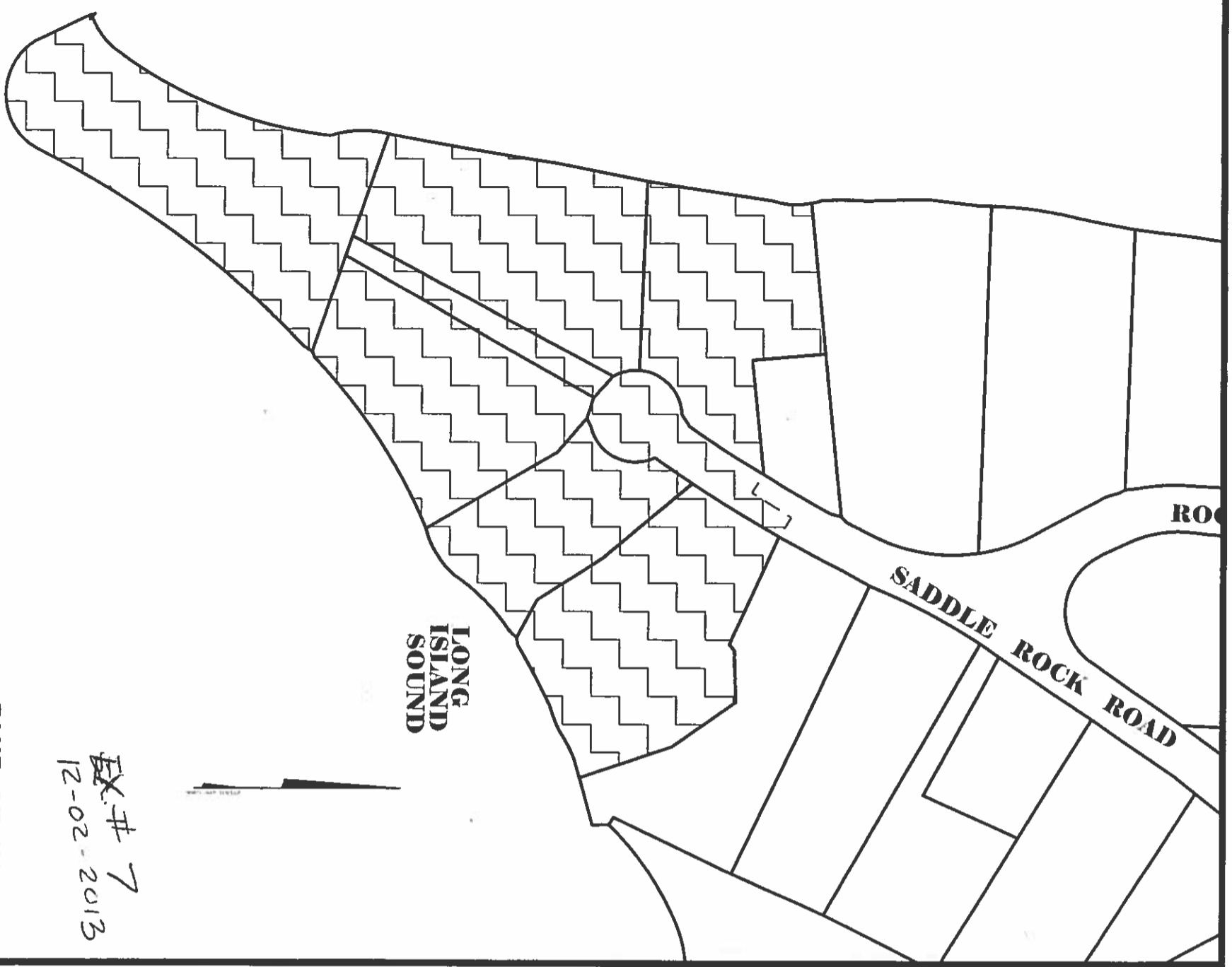
Thank you for explaining the zoning and showing the plans last night. I'm glad I had 45 minutes to attend the meeting.

If I had known as much about the proposed zoning change at the beginning as I do now as a result of what I learned last night, I would have joined the group on Saddle Rock in putting in for the change from half acre to one acre.

David Tunick

REC'D
EX#5
PM 12/02/2013

PK-1 w/o Murphy



EX.# 7
12-02-2013

ZONE CHANGE
SADDLE ROCK ROAD


Redniss & Mead
ENGINEERS - SURVEYORS - PLANNERS - WWW.REDNISSMEAD.COM
22 FIRST STREET - STAMFORD, CONNECTICUT 06905 - 203-327-0000

COMM. NO.:
7683

DATE:
12/02/13

SCALE:
1"=150'

12/02/13

**Saddle Rock Road
Zone Change Application
Revised Exhibit A
Area Description**

Zone Change Description: R-20 Zone to RA-1 Zone

Block #: 25

Assessor Card #: 003-0145; 000-1912; 001-9627; 002-2187; 003-4168; 003-4167

Area: 1.08 + 1.16 + 1.67 + .98 + 1.24 + 0.50 (Saddle Rock Road) = 7.28 Acres

All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the southerly property line of land n/f of Karen A. Murphy et al and Kathleen A. Murphy (Assessor #003-4166); said land is bound by the following:

- Northerly 415'± by a portion of Saddle Rock Road and said land n/f of Karen A. Murphy and Kathleen A. Murphy (Assessor #003-4166), each in part;
- Easterly 942' ± by the Long Island Sound;
- Southerly 210'± by Long Island Sound;
- Westerly 844'± by Long Island Sound
- Northerly 167'± by land n/f of David P. Tunick (Assessor #002-3700);
- Easterly 81' ± by land n/f of Robert Rangelov et al (Assessor #003-0144);
- Northerly 151' by said land of Robert Rangelov et al and a portion of Saddle Rock Road, each in part;
- Westerly 52'± by the centerline of Saddle Rock Road.

ZONING BOARD

**Public Hearing on Zoning Application 213-33
Scheduled for December 2, 2013 at 7:00 p.m.**

In the Matter of:

Zoning Application 213-33

Map/Zone Change from R20 to RA1

**For Seven Properties located at 68, 74, 88, 89,
102, 107, and 123 on Saddle Rock Road in Stamford
Connecticut, Fairfield County.**

APPENDIX – IN OPPOSITION TO ZONING APPLICATION 213-33

Prepared by:

Karen A. Murphy

68 Saddle Rock Road

Stamford, Connecticut 06902

(203) 324-1423

Email: SFGrp@aol.com

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	Neighbors Agree To Conduct a Study in Order to Develop a Strategy to Mitigate Coastal and Upland Flooding	
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	Series of Emails related to the Study:	
	For example:	
	Applicant’s August 26th email: “We will be contacting John Roberge and Ray Redniss this week to ask them to go ahead on his proposal.”	A3
	Applicant’s October 24 th email: “Tomorrow, you may see Devin Santa (RACE) walking the beach.”	A4
	No Study Has Been Produced To-date: Why?	
	Before any variance or zoning map district changes are considered the actions that need to be taken in order to mitigate coastal and upland flooding must be identified and understood for the safety of all.	
	Further, increasing the zoning height and adding a half story for coastal properties may (i) increase flood heights and velocities and (ii) divert flood waters and increase flood hazard to other lands. This in all likelihood will be the case if the prior footprint at 74 Saddle Rock Road is increased as the Applicant’s apparently intends to do.	
Part 2	Applicant’s Proposed Drawings for 74 Saddle Rock Road	
	Demonstration Site Plan depicting 74 Saddle Rock Road prepared by Redniss & Mead.....	A15
	Property Assessment record for 74 Saddle Rock Road.....	A16

¹ Applicant refers to Susan Cullman and John Kirby

Note: The Gross area of the first floor of the prior structure was 4,349 (A17) The Applicant is proposing a footprint almost 50% greater (A15).

The Question is: Where will the water be diverted to if this increase in footprint and zoning height are approved? Also with the prior structure the flood waters filled the basement. With the proposed masonry work on the waterfront side, where is this water going?

Part 3

Elevations

Improvement Location Survey

Openings in Murphy's residence for water to flow at elevation approximately 9 feet

Applicant proposed drawings show an elevation of 12.4 feet.....A19.

The current elevation for 74 Saddle Rock Road according to the Improvement Location Survey is 8.6 feet.

Implication: Water will flow from 74 Saddle Rock Road through the Murphy's residence over to 60 Saddle Rock or down towards cottage on Murphy's property. The increase in potential damages caused by increased flooding is significant.

To compound matters, the pool wall is at elevation 16.5 feet. (A15) The increase in flood water velocity between 74 and 68 Saddle Rock Road will be significant.

Part 4

Series of Neighbor Emails Upon Learning on November 22, 2013 that the Real Purpose of the ZB Application was for the Applicant to Obtain Zoning Height and Story Relief from the Zoning Regulation

An email from Karen Murphy, dated November 22, 2013, to Susan Cullman asking if the Applicant intended to take advantage of the new height and story limitations for their new home at 74 Saddle Rock Road if the ZB Application is granted.....A20

Murphy's (oral and written) request that the ZB Application be withdrawn.....A21

Rick Redniss admits in an email, dated November 27, 2013, that a copy of the ZB Application, dated October 10, 2013, was not provided to neighbors.....A22

Applicant refuses to withdraw ZB Application (Rick Redniss' November 28, 2013 email in response to the Murphy request).....A24

A David Tunick email, dated, November 28, 2013, stating that “the objection that some neighbors have is not the one acre zoning, but rather the potential size and height of the proposed residence.” A24

An email from the Chrust (107 Saddle Rock Road) that states: “I am not sure why there seems to be push back to this zoning change. I certainly would not want a property that is contiguous with mine to be subdivided in two properties.”A26

Note: As the above emails show, the neighbors were lead to believe that the purpose of the ZB Application, the cost of which the Applicant was more than willingly to pay for, was to prevent further subdivisions. The Applicant did not disclose the real purpose – zoning height and story relief.

If the ZB Zoning Application was provided to the neighbors, which it wasn't, the neighbors would have known the real intent of the Applicant and RM

Rick Redniss' response to Karen Murphy's questions.....A28

Note:

Question 1.

- a) 102 Saddle Rock (David and Nancy Lu) did not agree to ZB Application – This fact is not noted in the Zoning Application
- b) Mr. Redniss does not say what the other neighbors agreed to.

Question 3

- a) It is very peculiar that Mr. Redniss would refer to Flood Prone Area for the “key criteria in analyzing a zoning classification for properties.”

Questions 4, 5 and 6

- a) Non responsive – These questions were intended to show that upping the zoning classification from RA20 to RA1 makes the properties just more non-conforming.

Question 7

- a) Non responsive - See Staff Report

Question 9, 11 and 12

- a) Non responsive – For example, in answering Question 11, Mr. Redniss refers to the definition of zoning height which has nothing to do with the fill question.

Part 5 Zoning Application Staff Report

Application for a Zone Change, dated October 10, 2013.....A34

Note: The reason given to the neighbors for the Application – requiring one acre zoning- isn't even mentioned in the application

Staff Report.....A39

Notice of Public Hearing.....A42

Note what the notice states: "We are writing to you on behalf of Susan Cullman and John Kirby, owners of 74 and 88 Saddle Rock Road, and other property owners in the neighborhood....."

Redniss & Mead represented Susan Cullman and John Kirby only in this ZB Application.

Part 6 Agreement Restricting Subdivision of 68, 74 and 88 Saddle Rock Road

Agreement, dated February 2, 1981.....A44

Part 7 Summary Reasons Why the Application Should be Denied

Reasons to Deny ZB Application.....A48

***The Following Documents Are Incorporated By Reference**

1. City of Stamford's Charter
2. City of Stamford's Zoning Regulations
3. Section 7.1, Flood Prone Area Regulations
4. Coastal Area Management Act
5. Applicable Connecticut General Statutes

REASONS FOR PROTEST/OBJECTION

Date: December 2, 2013

File Number: 213-33 Map/Zone Change from R-20 to RA-1
for Seven Properties along Long Island Sound
("ZB Application")

To: City of Stamford's Zoning Board

The requested Map/Zone Change from R-20 (half acre minimum lot size) to RA-1 (one acre minimum lot size) described in the referenced file for the seven properties located at 68, 74, 88, 89, 102, 107 and 123 on Saddle Rock Road in the City of Stamford, County of Fairfield and the State of Connecticut should be denied.

(REASONS FOR PROTEST/OBJECTION)

The Applicant, Susan Cullman and John Kirby, has shown no good cause or any compelling reason why this rezoning ZB Application should be approved. Indeed, the Applicant's planning and zoning consultants, Redniss & Mead, affirm that the sole purpose of the ZB Application is for the Applicant to avoid compliance with the hardship zoning regulation that would be required to be demonstrated and established before a height variance could be granted by the Zoning Board for the Applicant's new home.

If this ZB Application is granted, the Zoning Board will in essence have granted a variance from the standards of Section 7.1 – Flood Prone Area Regulations - which only the Zoning Board of Appeals has the authority to do.

No Notice

The Applicant failed to provide a copy of the ZB Application, dated October 10, 2013, to the neighbors, including property owners whose properties are being proposed to be rezoned from RA20 to RA1. The neighbors also had no notice that the Planning Board scheduled the review of the Zoning Board's referral in this matter for its November 16, 2013, regular scheduled meeting.

The neighbors did not learn of Applicant's scheme to obtain height and story relief from the zoning regulation via a map/zoning change until sometime after November 21, 2013, the date of the notice of the Zoning Board's public meeting on ZB Application.

Applicant Failed to Disclose Real Reason for ZB Application

The Applicant failed to disclose to the Zoning Board, the Planning Board and to most, if not all, of the neighbors the real, sole purpose for the ZB Application was for the Applicant's to achieve their goal to obtain five (5) feet of more zoning height for the Applicant's new home, which in all likelihood the Applicant could not accomplish through the appropriate process, the zoning variance process. The Applicant's property lot size is 1.24 acres and has more than ample space to build a lovely, large new home on this 1.24 acre lot without the need for a height or story (2 1/2 to 3) variance.

REASONS FOR PROTEST/OBJECTION

Zoning Board, Planning Board and Staff Were Mislead

In approving the Zoning Board referral, the Planning Board apparently found that the ZB Application change from R20 to RA1 would “lessen density in a flood prone area.” What was not disclosed in the ZB Application, dated October 10, 2013, was the following:

1. First and foremost, Redniss & Meads’ admission that the City of Stamford has “strong policies and practices that 99.9% preclude introducing yet another house that would be subject to flood hazard inundation.” (Richard Redniss’ email to the neighbors, dated November 27, 2013 at A22, point 4)
2. Second, three (68, 88, and 102) of the seven properties are less than one acre and could not be subdivided based on the R20 requirement of a minimum one half acre lot size.
3. Third, the Applicant’s 1.24 acre lot (#74) has a restriction limiting it to one dwelling on the lot. (A26)
4. Fourth, based on information and belief, the other three lots could not accommodate another building due to, among other things, the Coastal Area Management Act and Section 7.1 –Flood prone Area Regulations.

In short, there will be no lessening of density if this ZP Application is approved. This ZB Application is nothing more than a “Spot Zoning” application for the Applicant to obtain indirectly what could be accomplished directly through the City’s zoning variance process a height and story variance.

Further in the approval process to-date there has been is no consideration or analysis of (i) safety, in particular flooding, issues, (ii) the lack of a comprehensive district plan for Saddle Rock Road, Rogers Road and Ocean Drive West, (iii) the fact that the Applicant’s proposed residence will block views and light from other properties and (iv) the value of buildings other than the Applicant’s.

See the Appendix for other concerns. For example, what legal authority supports the “key criteria in analyzing any request to change a zoning classification” selected in the Staff Report? (See A28, Question 3; Staff Report, p.3 at A41) As discussed in the next section, this ZB Application does not enhance the property owners’ ability to meet the provisions of the Zoning Code. To the contrary, the grant of this ZB Application will place many currently conforming lots into nonconformity status.

Non-Conforming Lots/ Self-Imposed Hardships

The grant of the ZB Application will place three currently conforming lots (68, 88 and 102) into three the non-conforming lots due to RA-1’s minimum one acre requirement. This raises a number of issues. Most significantly, the property owners may have difficulty claiming hardship for a substandard lot when the property owner created the hardship by agreeing to this ZB Application. In one case the owner of a self-impose hardship had to show that he was willing to

REASONS FOR PROTEST/OBJECTION

sell at a fair and reasonable price and the adjoining property owners refuse to make a reasonable offer to establish that an undue hardship exists.

Also the properties that cannot currently comply with the 50 foot rear setback may have set a higher bar for a variance in the future due to the self-imposed 60 foot rear setback.

Purpose & Intent of RA-1 Districts

This Application satisfies neither the purpose nor the intent of RA-1 zoning. RA-1 districts are meant to protect large lots in rural settings. The seven properties are located in anything but a rural area. The Stamford Zoning Regulations states that the purpose of RA-1 "districts is to set aside and protect areas which have been developed... predominantly for single family dwellings on large lots in a rural setting." (Article 3, Section 4, paragraph AA 1.1, Stamford Zoning Regulations) Further there is no plan or intent for the non-conforming lots to be merged with adjacent lots to allow for the substantial purpose of a RA1 land regulation to prevail - minimum one acre lots. Without such an intent or plan the proposed change in zoning is ineffective and serves no purpose.

Other: See Appendix

Conclusion:

There simply is no basis for the Zoning Board to approve this ZB Application which admittedly was designed to enhance the value of the Applicants property.