

# Memorandum

**To:** Members, Planning and Zoning Commission

**From:** Cindy Tyminski, AICP.

**Date:** September 28, 2020

**Re:** 521 Riverside Avenue, Special Permit/ Coastal Site Plan Appl. PZ 20-00217  
Saugatuck Rowing Club  
Supplemental #1

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The applicant responded to the Staff report of 9/11/2020 with the following comments:

1. The pergola is proposed as a separate detached accessory structure.
2. The 3 existing parking spaces for public use are identified and located on the Site Plan where they have been for 20 years.
3. A seasonal boat storage area is shown on the Site Plan where it has been for 20 years.

**Assessment:**

Staff makes the following observations:

1. A pergola contributes to building and total coverage. This is in a flood zone and therefore this detached accessory structure will not be included in calculating any substitutional improvement.
2. The three (3) existing parking spaces for public use are identified and located on the Site Plan and should continue to be documented as such. Signs identifying these spaces should be maintained.
3. Boat storage:
  - a. The Boat storage was never shown on any approved plans.
  - b. Boat storage on racks is not allowed in the setbacks.
  - c. The Club received violations from 2006 – 2009, for outdoor storage of boats, with the last NOV issued on 7/13/2009.
  - d. Per ZBA approval ( ) winter storage of boats or trailers is not allowed.
  - e. The Boat Storage should not interfere with the Public Waterfront Access (see photo below) and the position of these the racks can cause a trip hazard.
  - f. The area where the Boat storage is designated will be reduced in area every year as the arborvitae between the Accessway and the Saugatuck River grow larger.
  - g. Pressing the Boat storage up against the arborvitae that act as a buffer between the site and the coastal resource during the entire growing season is not good for their health.

Staff recommends that the applicant find another place on the property to store the boats and possibly request a parking waiver to locate them in a safe, compliant and functional location.





## TOWN OF WESTPORT Zoning Board of Appeals

Town Hall, 110 Myrtle Ave.  
Westport, CT 06880  
Phone (203) 341-1081; Facsimile (203) 341-1153

October 2, 2020

Mel Barr  
Barr Associates  
5 Sylvan Road S.  
Westport, CT 06880

RE: ZBA CASE # 5641  
ADDRESS: 521 – 531 Riverside Ave.  
OWNER OF PROPERTY: Shipways Ltd. II, LLC.

Dear Mr. Barr :

This is to certify that at the work session of the Zoning Board of Appeals held on May 4<sup>th</sup>, 1999, the Board voted 5-0 (Ezzes, Altschuh, Farrell, Wong & Cunitz) in favor to GRANT WITH CONDITIONS your client's request for variance, and the following resolution was adopted:

RESOLVED: The application of Shipways Ltd. II, LLC. for the property located at 521 – 531 Riverside Ave. as consistent with CAM policy & for a Variance of Sec. 22-7 (for footprint greater than 2,500 sq. ft.); Sec. 22-8.3 (for total maximum floor area in excess of 2,500 sq. ft in one building); Sec. 31-7 (setbacks from water & wetlands); Sec. 22-11 (parking), of the zoning regulations is hereby granted to permit to demolish all existing buildings & to permit the consolidation of land parcels, and the redevelopment of the property with new recreational boating facility for the Westport Rowing Club & marina with associated appurtenances in a RORD #2 zone. (Assessors' Map # 5303, Lot 189 & 189-A). The Zoning Board of Appeals found the following unusual hardship from the application of the regulations to the subject property:

- In harmony with the use of the river and the Town Plan
- Making river more accessible to the public
- Unique location & height of sea wall
- Building size is due to proposed boat club use
- River views will be enhanced due to the construction of one building rather than several smaller buildings

The variance was approved subject to the following conditions:

- No storage of trailers on site except for incidental storage
- No winter storage of anything on the exterior – trailers, boats, etc. – except boats in the water for the marina
- No exterior storage of any type of equipment, sheds, etc.
- No gas tanks, pumps or refueling at the marina
- Adherence to Flood & Erosion Control Board conditions
- Adherence to the Conservation Commission conditions
- Adherence to CAM Review Conditions as stated in memorandum dated March 26, 1999
- Building is for single tenant use only

The above being GRANTED in accordance with the plans submitted with the application ("PROPOSED DEVELOPMENT – ZBA APPLICATION; PREPARED FOR WESTPORT ROWING CLUB; LOCATION: 521-531 RIVERSIDE AVE; DATE FEBRUARY 2, 1999; MODIFIED FOOTPRINT 4-30-99; SCALE 1" = 20'; PREPARED BY JOSEPH F. RISOLI, P.E.; SHEET 1 OF 1 "), and said Plans stamped "APPROVED" by the Zoning Board of Appeals on May 4, 1999.

Effective Date: Contingent upon applicant filing this resolution with the Town Clerk no later than **June 4, 1999.**

A Zoning Permit must be obtained within one year of the effective date of this variance, or it becomes null and void.

The project must be built in conformance with the approved plans. The structure cannot be demolished unless it has been specifically requested on the application. Execution of this variance by filing with the Town Clerk authorizes you to obtain the necessary permits. After this variance has been filed with the Town Clerk, you must then file an application for a Site Plan Review by the Planning & Zoning Commission. This may also include a review by the Architectural Review Board. The required Zoning Permit and Building Permit can only be obtained after a review of the project by the Planning & Zoning Commission.

Before you can proceed with your project you must obtain a Zoning and Building Permit.

Yours Truly,

James C. Ezzes, Chairman  
Zoning Board of Appeals

JE:RZ  
Certified Mail:RRR  
cc: ZEO  
enc.



**TOWN OF WESTPORT**  
**PLANNING & ZONING DEPARTMENT**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Phone (203) 341-1030, Fax (203) 454-6145

July 13, 2009

Saugatuck Rowing Club LLC  
500 West Putnam Ave.  
Greenwich, CT 06830

**2<sup>nd</sup> Notice of Zoning Violation**

Re: 521 Riverside Ave., Saugatuck Rowing Club

Dear Sir or Madam;

Please be advised that your failure to respond to the First Notice of Violation (NOV) dated June 19, 2009 has resulted in the need to send you a Second NOV.

The following violations continue on the above referenced property:

- §45-3 Zoning permit required for change to the use of the property
- §43-2.1 Special permit approval/modification required for change to the approved use

This is not a Cease and Desist Order, but failure to remedy the violation(s) or to apply for the proper permits within 10 days of this letter will necessitate the issuance of a Cease and Desist Order that will be filed on the Land Records and/or the issuance of a Citation with a fine(s) of \$150 per day, per violation, in accordance with the Town Code.

It is imperative that you contact the Planning & Zoning office **in writing by mail or by fax, within 10 days of the date of this letter (by 7/23/09)** to avoid further zoning enforcement action. If the violation is corrected you need to notify the office so an inspection can be scheduled to document zoning compliance.

Thank you in advance for your cooperation in this matter.

Sincerely,

Susan Reynolds  
Zoning Enforcement Officer

cc: Howard E. Winklevoss, Manager, Two Greenwich Office Park, Greenwich, CT 06831  
Laurence Bradley, Planning Director

Mail: Certified & Regular