

From: [REDACTED] >
To: John Heyrich <[REDACTED]>
Cc: Robert <[REDACTED]>

Subject: Re: BULK MAIL Re: Pergola>link

Date: Tue, 27 May 2014 19:04:47 +0000

Attachments: SpecialPermitApp.docx

Thank you John...this all sounds perfect to me...much appreciate your help in this matter and providing at no charge for us...

I went to the New Canaan Town website and found the below for the names of the planning/zoning board:

<http://www.newcanaan.info/content/9488/9220/785/803/default.aspx>

The address for planning/zoning is

Irwin Park, [Click here for a map.](#)

848 Weed Street

New Canaan, CT 06840

I will attach a copy of the letter I plan to send to our neighbors within 100ft of us...let me know if you think ok...Thanks, Lesley

On May 27, 2014, at 2:53 PM, John Heyrich <[REDACTED]> wrote:

Lesley,

Good that you were able to get on the agenda for this next upcoming month, and hopefully you'll get this injustice quickly out of the way.

I'd like to suggest that I write another letter/statement (similar to the last below), and again remaining gently assertive to your Board Chairman citing the history, rationale for intent, and what led to current status of the pergola as it now stands. This will give your voting Board members a factual perspective on your own construction objectives, and offer some positive, general supporting testimony from our vantage point on the record. I will sign it along with my co-colleague, Sarah Drake, who is the architect of record for your home. Since I don't currently hold a Connecticut license as she does, I cannot testify in person at the hearing. But from what Bob tells me in his past conversations with his local surveyor on your home, this type of special permit should not be too difficult to secure. Therefore, I don't feel Sarah Drake's presence is necessary at the hearing at this time, especially with such a supporting letter on the record.

BTW, I'm not going to charge you for this service as I feel I have a moral duty to help you and Ike anyway that I can in this situation, as you both have been great, wonderful clients. This is my own gift of gratitude.

If this idea has merit, can you possibly can you get me the official name/address of the Board and the chairman's name/title? Thanks... I'll do it right away.

Sincerely,

John

On May 23, 2014, at 3:59 PM, Lesley Groff wrote:

WOW! that is fantastic...thank you...we are getting on with the paperwork and neighbor notifications and will get to you as quickly as we can. Appreciate your help. Have a great Memorial Day weekend.

Lesley

On May 23, 2014, at 3:53 PM, "Kleppin, Steven" <[REDACTED]> wrote:

We can add the application to the June hearing.

Steve

Sent from my Verizon Wireless 4G LTE DROID

[REDACTED] > wrote:

Hi Steven. I just stopped in to speak with you re the pergola and next steps. I have accumulated the paper work that needs to be filled out and we will get on it. We would like to be on the docket for the June 24th town planning commission meeting. I understand today is the last day we can request the June date. I asked your office to please get us in for the June date but told I need to contact you. Can you please make sure we can participate on June 24 ? Would greatly appreciate it.

Thanks,

[REDACTED]
Sent from my iPhone

On May 23, 2014, at 10:37 AM, "Kleppin, Steven" <[REDACTED]> wrote:

John,

My intention with providing you with those definitions was in response to what I perceived as your attempt to indicate that the pergola was a part of the principal dwelling. Pergolas are considered accessory structures and must comply with yard requirements. In looking at 400 South Avenue, that is not indicated on the last survey we have, but more importantly, that trellis is in the side yard not the front.

Steve

From: John Heyrich [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Thursday, May 22, 2014 4:32 PM
To: Kleppin, Steven
Cc: [REDACTED] taylor; Robert
Subject: Re: Pergola>link

Steven,

Thank you for getting back so quickly on this matter, the Groff Residence under construction at 159 Oenoke Ridge Rd.

I seem to recall we had a similar discussion on the semantics of a pergola/trellis vs a building/accessory building, during our initial telephone conversation on 7May2014. As defined below as per the New Canaan ordinance, any building requires a roof. Since a pergola/trellis does not have a roof, it cannot be labeled as a 'building'. Also, the intended use of this terrace space, on which this pergola is built upon, is not for shelter, housing, nor any type of enclosure for persons, animals, goods, or personal possessions. It is to be utilized as an open terrace/patio for incidental outdoor activities.

The next item that you've referred to below is an accessory building, which again is clearly a 'building'. A pergola/trellis again would not qualify as a building by definition because it has no roof.

It appears that a 'pergola/trellis' structure is not specifically alluded to anywhere in your ordinance, however the closest item that could apply would be a 'terrace' ...that of: an elevated, roofless structure that may be improved with retaining walls and may contain structural supports such as footings attached to the house. This fits this defined criteria almost to a tee, especially knowing the fact that this terrace's support foundation walls and footings are directly attached to, and are an extension of the principal building structure on this lot.

There's also another home in town located at 400 South Avenue (photo below), that has a similar pergola/terrace structure on a masonry trellis foundation directly attached to the home. It looks like its less than 150 feet from the street as well. It would seem by bridging the 7 to 8 ft gap between the [REDACTED] existing pergola and the side wall of the main house as depicted in our latest sketch, the [REDACTED] would then have an almost identical attached condition.

John