

**From:** Lesley Groff <[REDACTED]>  
**To:** John Heyrich <[REDACTED]>  
**Subject:** Re: BULK MAIL Re: Pergola>link  
**Date:** Wed, 28 May 2014 14:03:35 +0000

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great..thanks

On May 28, 2014, at 9:47 AM, John Heyrich <[REDACTED]> wrote:

Here's your survey:

[REDACTED]

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, [REDACTED] <[REDACTED]> wrote:

We can add the application to the June hearing.

Steve

*Sent from my Verizon Wireless 4G LTE DROID*

[REDACTED] <[REDACTED]> wrote:

Hi [REDACTED] 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,  
Lesley Groff

Sent from my iPhone

On May 23, 2014, at 10:37 AM, [REDACTED] <[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 [REDACTED] that is not indicated on the last survey we have, but more importantly, that trellis is in the side yard not the front.

[REDACTED]

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**From:** John Heyrich [mailto:[REDACTED]]  
**Sent:** Thursday, May 22, 2014 4:32 PM  
**To:** [REDACTED]  
**Cc:** lesley taylor; Robert  
**Subject:** Re: Pergola>link

[REDACTED]

Thank you for getting back so quickly on this matter, the Groff Residence under construction at [REDACTED]  
[REDACTED]

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 [REDACTED] (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 Groff's existing pergola and the side wall of the main house as depicted in our latest sketch, the Groff's would then have an almost identical attached condition.

John