

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
April 9, 2014

REGULAR MEETING

Darien Town Hall - Room 206 – 7:47 to 9:35 PM

ZBA members present: Chuck Deluca, Gary Greene, Vic Capellupo, Jeff Williams and John Ashburne

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 12-2014 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc. submitted on March 6, 2014 for variances of Section 362, 406, 825 and 900 of the Darien Zoning Regulations; to allow the razing of the existing tennis house and a portion of the clubhouse structure, the construction of clubhouse additions, and the installation of additional parking; Section 362: installation of replacement 10.0 in lieu of 4.0 feet maximum height tennis court fencing extending to 22.2 in lieu of 40.0 feet minimum required front yard setback and 32.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Butlers Island Road; Section 406: additions to an existing building located 35.0 in lieu of 40.0 feet minimum required rear setback; Section 825: portions of habitable space, mechanical equipment, electrical features, and appliances to remain at elevations ranging from 7.2 to 12.0 in lieu of 15.0 and 17.0 feet minimum required elevation; and Sections 908 and 226: additional parking with 8.0 in lieu of 24.0 feet minimum required backup space. The property is situated on the southeast corner of the intersection formed by Butler's Island Road and Tokeneke Beach Drive and is shown on Assessor's Map #67 as Lot #83, being 4 Tokeneke Beach Drive and located in an R-1 (residential) Zone.

By agreement this application #12-2014 and the closely related following application #13-2014 were heard concurrently due to the circumstance that they are for separate buildings and site features located on the same property. Attorney Wilder Gleason noted that they are asking for a long term approval on this variance to accommodate the long term phases of the project. Mr. Gleason, Architect Chris Pagliaro and Professional Engineer Holt McChord answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 13-2014 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc. submitted on March 6, 2014 for a variance of Section 825 of the Darien Zoning Regulations; to allow alterations to the existing bathhouse; Section 825: portions of habitable space, mechanical equipment, and electrical features to remain at elevations ranging from 7.8 to 12.0 in lieu of 15.0 and 17.0 feet minimum required elevation. The property is situated on the southeast corner of the intersection formed by Butler's Island Road and Tokeneke Beach Drive and is shown on Assessor's Map #67 as Lot #83, being 4 Tokeneke Beach Drive and located in an R-1 (residential) Zone.

Attorney Wilder Gleason noted that they are asking for a long term approval on this variance to accommodate the long term phases of the project. Mr. Gleason, Architect Chris Pagliaro and Professional Engineer Holt McChord answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 14-2014 - The application of James Hines and JMK Construction Group LLC on behalf of Carlyle & David Upson submitted on March 12, 2014 for variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the installation of an AC compressor; Section 406: 13.4 in lieu of 21.2 feet minimum required northeast side yard setback; 17.2 in lieu of 25.0 feet minimum required total of two side yards setback; 44.5 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Oakland Terrace; 27.1 in lieu of 20.0% maximum allowable building coverage; and Section 334: installation of a building feature on a lot with 86.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the northwest side of Oakland Terrace approximately 200 feet south of the intersection the Boston Post Road and is shown on Assessor's Map #54 as Lot #24, being 5 Oakland Terrace and located in an R-1/3 (residential) Zone.

Builder James Hines answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 15-2014 - The application of James Hines and JMK Construction Group LLC on behalf of Francis & Jolene Sutter submitted on March 12, 2014 for a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story house with three car garage; Section 334: construction on a portion of the lot with 192.0 in lieu of 200.0 feet minimum required lot width. The property is situated on the southeast corner of the intersection formed by Shady Acres Road and Marianne Road and is shown on Assessor's Map #4 as Lot #1, being 2 Shady Acres Road and located in an R-2 (residential) Zone.

Builder James Hines answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 16-2014 - The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Kevin & Tina Stimpson submitted on March 12, 2014 for variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the construction of additions; Section 406: 34.4 in lieu of 50.0 feet minimum required rear yard setback; and Section 334: construction on a portion of the lot with 180.0 in lieu of 200.0 feet minimum required lot depth. The property is situated on the west side of Shady Acres Road approximately 170 feet south of the intersection with Marianne Road and is shown on Assessor's Map #4 as Lot #10, being 5 Shady Acres Road and located in an R-2 (residential) Zone.

Attorney Amy Zabetakis and Kevin Stimpson answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 12-2014 - Clubhouse - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc., 4 Tokeneke Beach

Drive. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 4-1 to GRANT the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, John Ashburne, Chuck Deluca and Jeff Williams. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted.

CALENDAR NO. 13-2014 - Bathhouse - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc., 4 Tokeneke Beach Drive. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 4-1 to GRANT the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, John Ashburne, Chuck Deluca and Jeff Williams. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted.

CALENDAR NO. 14-2014 - The application of James Hines and JMK Construction Group LLC on behalf of Carlyle & David Upson, 5 Oakland Terrace. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the above delineated, requested variance.

CALENDAR NO. 15-2014 - The application of James Hines and JMK Construction Group LLC on behalf of Francis & Jolene Sutter, 2 Shady Acres Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 16-2014 - The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Kevin & Tina Stimpson, 5 Shady Acres Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested six month extension, received March 20, 2014, to obtain all required permits and begin on-site construction for ZBA Calendar No. 51-2013, Pieter & Yvete Eenkema Van Dijk, 19 Nickerson Lane. The Public Hearing of this matter was September 18, 2013. Initial ZBA approval would have expired on March 27, 2014.

Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT the request.

Requested amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH A STIPULATION the request.

Requested amendment to the approved plans of Calendar No. 47-2013, TJP Capital LLC, 29 Edgewood Road.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the request.

Approval of Minutes of meeting on January 15, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on February 12, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on March 12, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.

This matter was tabled to a future meeting.

ADJOURNMENT

The meeting was adjourned at 9:35 PM.

These Meeting Minutes,
Respectfully submitted April 11, 2014,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Gary Greene, seconded by Vic Capellupo, approved by a vote of 2-0 at the ZBA meeting on September 10, 2014. Chuck Deluca and Jeff Williams previously indicated their approval.