

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**September 10, 2014**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:45 to 9:50 PM

ZBA members present: Vic Capellupo, Gary Greene, Rich Wood, Ruth Anne Ramsey  
and Mike Nedder

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

**OPENING**

ZBA Vice-Chair Vic Capellupo opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENTS AND CONTINUATIONS**

Mr. Capellupo announced that the Public Hearing of Calendar No. 33-2014, the application of David G. Madon and Albertine L. Madon, 15 Shennamere Road, is postponed to October 15, 2014, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 35-2014, the application of Kevin Doyle on behalf of Alliance Energy LLC, 211 Boston Post Road, is opened and immediately continued without testimony to September 17, 2014, at the applicant's request.

**CONTINUATION OF PUBLIC HEARING**

The following hearing was continued from the July 16, 2014 meeting 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. 31-2014** - the application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Pearson Cain Properties LLC submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction

of second story and two story additions; Section 406: 10.0 in lieu of 15.0 feet minimum required north side yard setback and 51.6 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Raymond Heights. The property is situated on the west side of Raymond Heights approximately 400 feet northwest of the intersection with Raymond Street and is shown on Assessor's Map #36 as Lot #88, being 13 Raymond Heights and located in an R-1/2 (residential) Zone.

Surveyor Mark Lebow answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **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. 37-2014** - the application of Eric & Diana Voigt submitted on August 13, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the expansion of an existing second story dormer; Section 406: 23.1 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the northwest corner of the intersection of Middlesex Road and Sunnyside Avenue and is shown on Assessor's Map #27 as Lot #9, being 61 Middlesex Road and located in the R-1/3 (residential) Zone.

Eric Voigt 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. 29-2014** - the application of Shaikh Maqsood submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition; Section 406: 14.5 in lieu of 25.0 feet minimum required front yard setback; 11.5 in lieu of 18.9 feet minimum required north side yard setback; and 12.6 in lieu of 20.0 feet minimum required total of two side yard setbacks. The property is situated on the east side of Brookside Drive approximately 300 feet north of the Interstate 95 overpass and is shown on Assessor's Map #47 as Lot #9, being 51 Brookside Drive and located in the R-1/5 (residential) Zone.

Shaikh Maqsood answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney James Fulton,

representing 53 Brookside Drive neighbor Bruno, stated opposition to the proposed plan. The Public Hearing was then closed.

**CALENDAR NO. 34-2014** - the application of Robert Farley submitted on July 31, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement front entry portico, steps and entry landing; Section 406: 23.4 in lieu of 25.0 feet minimum required front yard setback and 43.4 in lieu of 50 feet minimum required front yard setback as measured from the center line of Bailey Avenue. The property is situated on the north side of Bailey Avenue approximately 210 feet west of the intersection with Leroy Avenue and is shown on Assessor's Map #39 as Lot #70, being 8 Bailey Avenue and located in an R-1/5 (residential) Zone.

Robert Farley 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. 36-2014** - the application of Nancy and Brian Kaschel submitted on August 12, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow an existing deck to remain; Section 406: 19.0 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the west side of Andrews Drive approximately 150 feet south of the intersection with Old King's Highway South and is shown on Assessor's Map #63 as Lot #74, being 3 Andrews Drive and located in the R-1/2 (residential) Zone.

Nancy Kaschel 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. 31-2014** - The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Pearson Cain Properties LLC, 13 Raymond Heights. Upon a motion by Mike Nedder, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 37-2014** - The application of Eric & Diana Voigt, 61 Middlesex Road. Upon a motion by Gary Greene, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

**CALENDAR NO. 29-2014** - The application of Shaikh Maqsood, 51 Brookside Drive. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 2-3 to GRANT the above delineated, requested variances. Those voting in favor were Gary Greene and Ruth Anne Ramsey. Mike Nedder, Rich Wood and Vic Capellupo were 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 **denied**.

**CALENDAR NO. 34-2014** - The application of Robert Farley, 8 Bailey Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

**CALENDAR NO. 36-2014** - The application of Nancy and Brian Kaschel, 3 Andrews Drive. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

**CALENDAR NO. 32-2014** - The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge, 2748 Boston Post Road. The ZBA deliberated regarding this application and then determined to table the matter and continue discussion at the next scheduled ZBA meeting on September 17, 2014.

## **OTHER BUSINESS**

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

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

Upon a motion Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the requested modification.

Approval of Minutes of meeting on April 9, 2014. ZBA members attending this meeting were Chuck Deluca, Gary Greene, Vic Capellupo, Jeff Williams and John Ashburne.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 2-0 to APPROVE the subject minutes. Chuck Deluca and Jeff Williams previously indicated their approval.

*Approval of Minutes of meeting on June 25, 2014. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Rich Wood, Kevin Fullington and Mike Nedder.*

Upon a motion by Gary Greene, seconded by Rich Wood, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Rich Wood, Vic Capellupo and Mike Nedder voted in favor of the motion.

*Approval of 2015 Meeting Schedule.*

This matter was tabled until a future meeting.

## **ADJOURNMENT**

Upon a motion by Gary Greene, seconded by Vic Capellupo, and a ZBA vote of 5-0, the meeting was adjourned at 9:50 PM.

These Meeting Minutes,  
Respectfully submitted September 16, 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 Mike Nedder, seconded by Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on November 12, 2014. Mike Nedder, Vic Capellupo and Rich Wood voted in favor of the motion.*