

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
October 15, 2014

REGULAR MEETING

Darien Town Hall - Room 206 - 8:39 to 10:30 PM

ZBA members present: Vic Capellupo, Gary Greene, Rich Wood, Jeff Williams,
Mike Nedder and Kevin Fullington

Staff Present: Code Compliance Officer Robert Woodside and Recorder Bonnie Syat

OPENING

Acting Chair Jeff Williams opened the meeting at 8:39 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION

Mr. Williams announced that the Public Hearing of Calendar No. 38-2014, the application of Eileen & John Raleigh regarding the property of Douglas & Cameron Sokolik, 10 Hillcrest Avenue, is continued without testimony to November 12, 2014, at the applicant's request.

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. 43-2014 - the application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of Julie & Jack Hekker submitted on August 13, 2014 for variances of Sections 406, 334, 906.3 and 825 of the Darien Zoning Regulations; to allow the construction of substantial improvement second story, one story, and wood stairs additions and alterations and the installation of parking spaces; Section 406: 24.8 in lieu of 40.0 feet minimum required rear yard setback; 11.6 in lieu of 40.0 feet minimum required front yard setback; and 25.4 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road; Section 334: construction on a portion of the building lot with 90.1 in lieu of 150.0 feet

minimum required lot depth; and Section 906.3: 0 in lieu of 40.0 feet minimum required front yard setback and 13.8 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road for the parking spaces; and a variation of Section 825: maintenance of existing basement and living space at 8.3 in lieu of 12.0 feet minimum required floor elevation. The property is situated on the west side of Goodwives River Road approximately 150 feet south of the intersection with Sunswyck Road and is shown on Assessor's Map #49 as Lot #3, being 85 Goodwives River Road and located in an R-1 (residential) Zone.

Beth Harrington-Howes and Julie Hekker 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. 45-2014 - the application of Mary & Max Roberts submitted on September 9, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of additions and alterations to the existing residence and the installation of propane tank and AC condenser equipment; Section 406: 43.4 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Hillside Court; and 22.9 in lieu of 20.0% allowable maximum building coverage. The property is situated on the north side of Hillside Court approximately 150 feet west of the intersection with Hillside Avenue and is shown on Assessor's Map #47 as Lot #39, being 4 Hillside Court and located in an R-1/3 (residential) Zone.

Max Roberts and Architect Mike Lobuglio answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CONTINUATION OF PUBLIC HEARINGS

The following hearings were continued from the September 17, 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. 39-2014 - the application of Michael P. Murray and Ivey Barnum & O'Mara of behalf of Estate of George Lowman submitted on August 13, 2014 for an interpretation under Section 337 or variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow lot line adjustments to two nonconforming lots; Section 337: an interpretation that lot 2 is exempt from the 200' minimum lot width requirement; or Section 334: 168.6 in lieu of 200.0 feet minimum required lot width for

lot 2; and Section 406: 1.944 in lieu of 2.0 acres minimum required lot size for lot 1. The properties are situated on the west side of Allwood Road approximately 290 feet south of the intersection with Scofield Farm Road and are shown on Assessor's Map #8 as Lots #315 and 316, being 0 Allwood Road (lot 2) and 40 Allwood Road (lot 1) and located in an R-2 (residential) Zone.

Attorney Mike Murray 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. 23-2014 - the application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik submitted on May 21, 2014 for variances of Sections 406 and 906.3 of the Darien Zoning Regulations; to allow the construction of a two-story addition, to allow the existing chimney to remain, and to allow a replacement parking space within setback spaces; Section 406: 11.4 in lieu of 12.4 feet minimum required north side yard setback; 12.6 in lieu of 13.6 feet minimum required south side yard setback; and 24.0 in lieu of 25.0 feet minimum required total of two side yard setbacks for the addition; and Section 906.3: 21.5 in lieu of 30.0 feet minimum required front yard setback; and 1.1 in lieu of 10.0 feet minimum required north side yard setback for one of the two required parking spaces. The subject property is situated on the west side of Hillcrest Avenue approximately 800 feet north of its intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #38, being 10 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

Architect Steve Jones and Civil Engineer John Martucci answered various questions and explained the proposal depicted on the submitted plans and described in the application materials.

Attorney Wilder Gleason, representing neighbors John and Elieen Raleigh asked for conditions to be stipulated with a ZBA decision. John Raleigh voiced his concerns with the proposal. Engineer Brian McMahan spoke to support the concerns of the Raleighs and Attorney Gleason.

Neighboring property owners Scott Zimmerman and Chris O'Rourke raised questions about the application.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on October 22, 2014.

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. 43-2014 - The application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of Julie & Jack Hekker, 85 Goodwives River Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 45-2014 - The application of Mary & Max Roberts, 4 Hillside Court. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Jeff Williams and Mike Nedder. Rich Wood 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 with stipulations.

CALENDAR NO. 39-2014 - The application of Michael P. Murray and Ivey Barnum & O'Mara of behalf of Estate of George Lowman, 0 Allwood Road (lot 2) and 40 Allwood Road (lot 1). Upon a motion by Rich Wood, seconded by Mike Nedder, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART the above delineated, requested interpretation and variances.

OTHER BUSINESS

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

Requested three month extension, received October 3, 2014, to obtain all required permits and begin on-site construction for ZBA Calendar No. 16-2014, Kevin & Tina Stimpson, 5 Shady Acres Road. The Public Hearing of this matter was April 9, 2014. Initial ZBA approval expires on October 18, 2014.

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

Approval of Minutes of meeting on July 16, 2014. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Jeff Williams, seconded by Mike Nedder, the ZBA voted 4-0 to APPROVE the subject minutes. Voting in favor were Jeff Williams, Mike Nedder, Vic Capellupo and Rich Wood. Chuck Deluca previously indicated his approval.

Discussion of Planning and Zoning Commission update of the Plan of Conservation and Development.

This matter was tabled to an upcoming meeting.

ADJOURNMENT

Upon a motion by Jeff Williams, seconded by Gary Greene, and a ZBA vote of 5-0, the meeting was adjourned at 10:30 PM.

These Meeting Minutes,
Respectfully submitted October 22, 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 5-0 at the ZBA meeting on November 12, 2014. Mike Nedder, Vic Capellupo, Jeff Williams, Kevin Fullington and Rich Wood voted in favor of the motion.