

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**October 22, 2014**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:45 to 9:15 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Gary Greene, Jeff Williams and Mike Nedder

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

**OPENING**

ZBA Chair Chuck Deluca 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. Deluca announced that the Public Hearing of Calendar No. 23-2014, the application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik, 10 Hillside Avenue, is re-opened and immediately re-continued without testimony to November 12, 2104, 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. 46-2014** - the application of Jeanne Brown submitted on September 15, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a one and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 50.0 in lieu of 60.0 feet minimum required lot width, and 8,584 in lieu of 8,712 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 50.0 in lieu of 60.0 feet minimum required lot width. The property is situated on the east side of Raymond Heights approximately 250 feet north of the intersection with Raymond

Street and is shown on Assessor's Map #36 as Lot #94, being 14 Raymond Heights and located in an R-1/5 (residential) Zone.

Contractor Victor Pensiero 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. 47-2014** - the application of Nancy Brewer on behalf of Ridge Acres Association submitted on September 15, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to install a generator and underground propane tank on Association property to provide back-up power to a shared well; Section 406: approximately -45.0 in lieu of 50.0 feet minimum required front yard setback for the generator. The shared well is situated within the landscape cul-de-sac area approximately 200 feet south of the intersection of Ridge Acres Road and Woodley Road and serves 6 Woodley Road (Lot #59), 10 Woodley Road (Lot #60), 9 Woodley Road (Lot #61) and 18 Ridge Acres Road (Lot #62) all found on Assessor's Map #4 and located in an R-2 (residential) Zone.

Nancy Brewer 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. 48-2014** - the application of Stephen Jones and Jones Green Design on behalf of Trimodia, LLC/Ronald Malloy submitted on September 17, 2014 for an interpretation of Section 385 and variances of Sections 334, 406 and 906 of the Darien Zoning Regulations; to allow the construction of a two story replacement house with parking and AC equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 47.8 in lieu of 80.0 feet minimum required lot width, and 7,028 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 47.8 in lieu of 80.0 feet minimum required lot width; Section 406: 10.0 in lieu of 30.0 feet minimum required Herman Avenue front yard setback, and 5.6 in lieu of 10.0 feet minimum required east side yard setback for the house; 7.7 in lieu of 10.0 feet minimum required east side yard setback for the AC equipment; 20.8 in lieu of 20.0 percent maximum allowable building coverage; and Section 906.3: portions of the two required parking spaces extending to 1.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Edgewood Road and Herman Avenue and shown on Assessor's Map #20 as Lot #79, being 34 Herman Avenue and located in an R-1/3 (residential) Zone.

Architect Steve Jones answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Chair Chuck Deluca read an email from a neighbor, Mary Valentine, requesting a continuation to review the application. Kate Broadhurst, speaking on behalf of Ms Valentine, expressed concerns on 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 November 12, 2014.

**CALENDAR NO. 49-2014** - the application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of Linda & Warrington Malpass submitted on September 17, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 140.3 in lieu of 150.0 feet minimum required lot width, and 30,208 in lieu of 43,560 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction of a building lot with 140.3 in lieu of 150.0 feet minimum required lot width. The property is situated on the east side of Pear Tree Point Road approximately 170 feet north of the intersection with Crane Road and shown on Assessor's Map #60 as Lot #23, being 106 Pear Tree Point Road and located in an R-1 (residential) Zone.

Surveyor Jeff McDougal 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. 50-2014** - the application of Steven W. Mason submitted on September 17, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story covered front porch and replacement entry steps; Section 406: 31.3 in lieu of 37.0 feet minimum required front yard setback for the steps and 33.4 in lieu of 40.0 feet minimum required front yard setback for the porch. The property is situated on the west side of Cliff Avenue approximately 800 feet north of the intersection with Tokeneke Road and shown on Assessor's Map #36 as Lot #55, being 21 Cliff Avenue and located in an R-1/2 (residential) Zone.

Steven Mason 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. 46-2014** - The application of Jeanne Brown, 14 Raymond Heights. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance.

**CALENDAR NO. 47-2014** - The application of Nancy Brewer on behalf of Ridge Acres Association, 6, 9 & 10 Woodley Road & 18 Ridge Acres Road. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

**CALENDAR NO. 49-2014** - The application of Linda & Warrington Malpass, 106 Pear Tree Point Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance.

**CALENDAR NO. 50-2014** - The application of Steven W. Mason, 21 Cliff Avenue. Upon a motion by Mike Nedder, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

## **OTHER BUSINESS**

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

Approval of Minutes of 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. Seated ZBA members for this request are Vic Capellupo, Jeff Williams, Mike Nedder, Rich Wood and Ruth Anne Ramsey.

This matter was tabled until November 12, 2014.

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

The Board discussed a possible procedure to consider and comment on the Town Plan. Copies of the current plan will be distributed for further review.

## ADJOURNMENT

The meeting was adjourned at 9:15 PM.

These Meeting Minutes,  
Respectfully submitted October 28, 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 Chuck Deluca, seconded by Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on December 10, 2014. Chuck Deluca, Vic Capellupo and Mike Nedder voted in favor of the motion. Jeff Williams and Gary Greene also indicated their approval.*