

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
November 12, 2104

REGULAR MEETING

Darien Town Hall - Room 206 – 8:01 to 10:30 PM

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

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

OPENING

ZBA Vice-Chair Vic Capellupo opened the meeting at 8:01 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARINGS

The following hearing was continued from the October 22, 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. 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. The Public Hearing was then closed.

The following hearing was continued from the September 17, 2014, October 15, 2014 and October 22, 2014 meetings 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. 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 Doug Sokolik answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Wilder Gleason, Eileen Raleigh and John Raleigh addressed concerns with the application. 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. 51-2014 - the application of Brian Malcarney on behalf of Geneva LLC doing business as Rory's Restaurant submitted on September 19, 2014 for variances of Sections 383 and 625 of the Darien Zoning Regulations; to allow the existing covered

and enclosed entry structure to remain; Section 383: enlargement of a non-conforming use of building; and Section 625: 16.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Boston Post Road and Old Kings Highway North and shown on Assessor's Map #32 as Lot #22, being 416 Boston Post Road and located in the DB-2 (Designed Business Two - commercial) Zone.

Brian Malcarney, Rory's owner, 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. 52-2014 - the application of Mark Bartolone AIA and MCS Bartolone Arch. AIA on behalf of Joseph Bartolone submitted on October 15, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a chimney; Section 406: 7.0 in lieu of 8.3 feet minimum required north side yard setback; 16.7 in lieu of 18.0 feet minimum required south side yard setback and 23.7 in lieu of 25.0 feet total of two side yard setback. The property is located on the east side of Fairfield Avenue approximately 800 feet north of West Avenue and shown on Assessor's Map #20 as Lot #128, being 18 Fairfield Avenue and located in the R-1/3 (residential) Zone.

Architect Mark Bartolone 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. 53-2014 - the application of Nina Cuccio Peck and Nina Cuccio Peck Architects on behalf of Ed & Deidre Hogan submitted on October 15, 2014 for an amendment of the previously approved plans of ZBA Calendar No. 66-1995 and a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and alteration of architectural features; Section 406: 63.1 in lieu of 65.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Five Mile River Road and Berry Lane and shown on Assessor's Map #66 as Lot #51, being 1 Berry Lane and located in the R-1/2 (residential) Zone.

Architect Nina Peck 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. 54-2014 - the application of Stephanie Mark and Residential Design Services on behalf of Mayank Misra & Roopali Misra submitted on October 15, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of two story, second story, and replacement porch additions; Section 406: 6.9 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the east side of Hazel Street approximately 200 feet north of the intersection with West Avenue and shown on Assessor's Map #24 as Lot #19, being 31 Hazel Street and located in the R-1/3 (residential) Zone.

Designer Stephanie Mark 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. 55-2014 - the application of David Ingraham submitted on October 16, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and alteration of the detached garage; Section 406: 18.7 in lieu of 25.0 feet minimum required front yard setback for the addition; and 4.5 in lieu of 5.0 feet minimum required accessory structure side yard setback. The property is situated on the southeast corner of the intersection of Casement Street and Dubois Street and shown on Assessor's Map #43 as Lot #23, being 33 Casement Street and located in the R-1/3 (residential) Zone.

Robert Ingraham 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. 56-2014 - the application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien submitted on October 17, 2014 for an interpretation of Section 210 and/or a variance of Section 825 of the Darien Zoning Regulations; to allow the construction of interior alterations to the A Better Chance building; Section 210: an interpretation of "substantial improvement" relative to this property; and Section 825: maintenance of existing lower level space at 51.4 in lieu of 53.1 minimum required floor elevation. The subject property is situated on the southeast corner formed by the intersection of Boston Post Road and Brookside Road and shown on Assessor's Map #16 as Lots #92, 93, 94 & 95, being 11 Brookside Road and located in the DB-1 (commercial) Zone.

Architect Neil Hauck and church representative Raymond Hodell 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. 23-2014 - The application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik, 10 Hillcrest Avenue. Upon a motion by Kevin Fullington, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 48-2014 - The application of Stephen Jones and Jones Green Design on behalf of Trimodia, LLC/Ronald Malloy, 34 Herman Avenue. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances and interpretation.

CALENDAR NO. 51-2014 - The application of Brian Malcarney on behalf of Geneva LLC doing business as Rory's Restaurant, 416 Boston Post 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.

CALENDAR NO. 52-2014 - The application of Mark Bartolone AIA and MCS Bartolone Arch. AIA on behalf of Joseph Bartolone, 18 Fairfield Avenue. Upon a motion by Jeff Williams, seconded by Kevin Fullington, the ZBA voted 5-0 to DENY the above delineated, requested variance.

CALENDAR NO. 53-2014 - The application of Nina Cuccio Peck and Nina Cuccio Peck Architects on behalf of Ed & Deidre Hogan, 1 Berry Lane. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested amendment to Calendar No. 66-1995 and variance.

CALENDAR NO. 54-2014 - The application of Stephanie Mark and Residential Design Services on behalf of Mayank Misra & Roopali Misra, 31 Hazel Street. Upon a motion by Jeff Williams, seconded by Mike Nedder, the ZBA voted 4-1 to DENY IN PART AND GRANT IN PART the above delineated, requested variances. Those voting in favor of the motion were Jeff Williams, Mike Nedder, Rich Wood and Kevin Fullington. 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 denied in part and granted in part.

CALENDAR NO. 55-2014 - The application of David Ingraham, 33 Casement Street. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 56-2014 - The application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien, 11 Brookside Road. Upon a motion by Rich Wood, seconded by Kevin Fullington, 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:

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

This matter was tabled to a future meeting.

Approval of Minutes of meeting on September 10, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Ruth Anne Ramsey, Mike Nedder, and Rich Wood.

Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Mike Nedder, Vic Capellupo and Rich Wood voted in favor of the motion.

Approval of Minutes of meeting on September 17, 2014. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, Kevin Fullington, and Rich Wood.

Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes. Mike Nedder, Vic Capellupo, Jeff Williams, Kevin Fullington and Rich Wood voted in favor of the motion.

Approval of Minutes of meeting on October 15, 2014. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, Kevin Fullington, and Rich Wood.

Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes. Mike Nedder, Vic Capellupo, Jeff Williams, Kevin Fullington and Rich Wood voted in favor of the motion.

ADJOURNMENT

The meeting was adjourned at 10:30 PM.

These Meeting Minutes,
Respectfully submitted November 14, 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 Vic Capellupo, seconded by Mike Nedder, approved by a vote of 3-0 at the ZBA meeting on January 14, 2015. Vic Capellupo, Mike Nedder and Jeff Williams voted in favor of the motion. Rich Wood previously indicated his approval.