

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
January 9, 2013

REGULAR MEETING

Darien Town Hall - First Floor Auditorium - 7:51 to 10:13 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Stephen Olvany, Rich Wood,
Ruth Anne Ramsey and John Ashburne

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

OPENING

ZBA Vice-Chair Chuck Deluca opened the meeting at 7:51 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. 51-2012**, the application of Luke Raymond, 178 Nearwater Lane, is postponed to January 16, 2013, at the applicant's request.

CONTINUATION OF PUBLIC HEARINGS

The following hearings were continued from the December 12, 2012 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. 50-2012 - the application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin and Melissa Baiera filed on November 14, 2012 for variances of Sections 334, 364, and 406 of the Darien Zoning Regulations; to allow the construction of a pool with equipment and fencing, and the relocation of a playset structure; Section 334: construction and installation of structural features, on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; Section 364: elimination of the 6' high permanent solid fence requirement; and Section 406: 20.0 in lieu of 40.0 feet minimum required east rear yard setback for the pool, 28.6 in lieu of

40.0 feet minimum required east rear yard setback for the equipment, and 25.0 in lieu of 40.0 feet minimum required east rear yard setback for the playset. The property is an interior lot accessed from a driveway situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Assessor's Map #57 as Lot #43, being 26 Shipway Road and located in an R-1 (residential) Zone.

Engineer Rob Frangione and property owner Gavin Baiera 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. 54-2012 - the application of Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc. filed on November 14, 2012 for variances of Sections 923.4, 923.1, 928.8 and 923.3 of the Darien Zoning Regulations; to allow the installation of two wall signs and a blade sign; Section 923.4: two in lieu of one maximum wall sign; Section 923.1: two in lieu of one maximum wall sign, 45" in lieu of 10" maximum side door sign wheel figure height, 15.5" in lieu of 10" maximum front wall sign letters height, 20" in lieu of 10" maximum front wall sign wheel figure height, and 37.7 in lieu of 0.0 square feet maximum sign area; Section 928.8: a wall sign to be located on the front of the building where none is permitted; and Section 923.3: 72" in lieu of 40" maximum blade sign projection. The subject space is located in the northeast corner of the Goodwives Shopping Center building within the property situated on the east side of Old Kings Highway North at the southeast corner formed by the intersection of Old Kings Highway North and Sedgwick Avenue and found on Assessor's Map #71 as Lot #19, being 25 Old Kings Highway North and located in a DC (commercial) Zone.

Attorney Bob Maslan and Rick Hoag answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on February 13, 2013.

CALENDAR NO. 49-2012 - the application of Beth Harrington-Howes on behalf of Judith W. Kilmartin filed on November 14, 2012 for variances of Sections 406 and 820 of the Darien Zoning Regulations; to allow a previously installed oil tank to remain, raising of the house with modifications, construction of a front porch, and if necessary maintenance of the existing crawl space; Section 406: 15.1 in lieu of 30.0 feet minimum required Shipway Road front yard setback for the oil tank, 17.9 in lieu of 30.0 feet minimum required Shipway Road front yard setback for the house and 27.5 in lieu of 30.0 feet minimum required Nearwater Lane front yard setback for the porch; and

Section 820: if necessary maintenance of the existing crawl space below 11.0 minimum floor elevation, and if necessary substantial improvements without making the entire structure features conform to all the Flood Damage Prevention regulations. The property is situated at the southeast corner formed by the intersection of Nearwater Lane and Shipway Road and is shown on Assessor's Map #55 as Lot #1, being 176 Nearwater Lane and located in the R-NBD (Noroton Bay District - Residential) Zone.

Beth Harrington-Howes and property owner Judy Kilmartin 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. 52-2012 - the application of Kathleen Willcox filed on November 14, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second and two story additions; Section 406: 11.1 in lieu of 16.8 feet minimum required northeast side yard setback, 8.2 in lieu of 13.9 feet minimum required southwest side yard setback, and 19.3 in lieu of 25.0 minimum required total of two side yards setback. The property is situated on the southeast side of West Avenue approximately 450 feet southwest of the intersection of Stony Brook Road and West Avenue and is shown on Assessor's Map #39 as Lot #93, being 117 West Avenue and located in an R-1/3 (residential) Zone.

Kathleen Willcox 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. 55-2012 - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Kenneth and Donah Antonelli, Trustees and Ken McCoy and filed on November 14, 2012 for interpretations, and variances if necessary, of Section 339, previous ZBA determinations and the Zoning Enforcement Officer's determinations relative to the applicable lot depth and minimum setbacks. The property is an interior lot situated on the west side of Five Mile River Road approximately 600 feet south of the intersection of Tokeneke Road and Five Mile River Road and is shown on Assessor's Map #66 as Lot #102, being 18 Five Mile River Road and located in a R-1 and R-1/2 (residential) Zones.

Attorney Bob Maslan 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. 50-2012 - The application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin and Melissa Baiera, 26 Shipway Road.

Upon a motion by Stephen Olvany, seconded by John Ashburne, the ZBA voted 4-1 to APPROVE the pool as proposed. Chuck Deluca, Stephen Olvany, John Ashburne and Rich Wood voted in favor of the motion. Vic Capellupo was opposed. 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.

Upon another motion by Stephen Olvany, seconded by Chuck Deluca, the ZBA voted 5-0 to APPROVE the requested elimination of the swimming pool solid fence screening requirement.

Upon a motion by Chuck Deluca, seconded by Rich Wood, the ZBA voted 4-1 to APPROVE the pool equipment and DENY the playset as proposed. Chuck Deluca, Stephen Olvany, John Ashburne and Rich Wood voted in favor of the motion. Vic Capellupo was opposed. 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/GRANTED IN PART.

CALENDAR NO. 49-2012 - The application of Beth Harrington-Howes on behalf of Judith W. Kilmartin, 176 Nearwater Lane. Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 52-2012 - The application of Kathleen Willcox, 117 West Avenue. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 55-2012 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Kenneth and Donah Antonelli, Trustees and Ken McCoy, 18 Five Mile River Road. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and 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 meeting on November 14, 2012. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Jeff Williams, Stephen Olvany, Rich Wood and John Ashburne.

Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 6-0 to APPROVE the subject minutes. Vic Capellupo, Chuck Deluca, Stephen Olvany, Rich Wood, John Ashburne and Ruth Anne Ramsey voted in favor of the motion. Jeff Williams previously indicated his approval.

ADJOURNMENT

Upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, and a ZBA vote of 6-0, the meeting was adjourned at 10:13 PM.

These Meeting Minutes,
Respectfully submitted January 14, 2013,
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 Stephen Olvany, seconded by John Asburn, approved by a vote of 4-0 at the ZBA meeting on February 13, 2013. Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne voted in favor of the motion. Chuck Deluca and Rich Wood previously indicated their approval.