

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**JUNE 26, 2013**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:47 to 10:20 PM

ZBA members present: Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams and  
John Ashburne

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

**OPENING**

ZBA Chair Gary Greene opened the meeting at 7:47 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 hearings were continued from the June 19, 2013 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. 33-2013** - The application of Carol Matton filed on May 8, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two-story addition; Section 406: 19.8 in lieu of 25.0 feet minimum required west rear yard setback. The subject property is an interior lot accessed from a common driveway approximately 200 feet west of the intersection of Old Farm Road and Searles Road and is shown on Assessor's Map #66 as Lot #96, being 47 Old Farm Road and located in the R-1/2 (residential) Zone.

Carol Matton answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Patricia Lyman, previous owner of the property, supported the application. The Public Hearing was then closed.

**CALENDAR NO. 34-2013** - The application of McKee Patterson and Austin Patterson Disston on behalf of Richard and Wendy Hokin filed on May 14, 2013 for variances of

Sections 331 and 402 of the Darien Zoning Regulations; to allow a portion of the existing residence to remain until the proposed replacement residence is completed; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The subject property is located on the south side of Shipway Road, approximately 300 feet east of the intersection with Plymouth Road and Shipway Road, and is shown on Assessor's Map #55 as Lot #126, being 25 Shipway Road and located in the R-1 (residential) Zone.

Attorney Wilder Gleason, Architect McKee Patterson and Builder John Dougherty answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Dave Campbell supported the application. The Public Hearing was then closed.

**CALENDAR NO. 36-2013** - The application of Mark Lebow and William W. Seymour & Associates on behalf of Thomas & Patricia Darling filed on May 22, 2013 for an interpretation under Section 337 and variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the construction of a one story addition and a roofed front entry; Section 337: a determination of the property line definitions and the applicable setbacks; Section 406: 26.5 in lieu of 30.0 feet minimum required front yard setback and 51.5 in lieu of 55.0 feet minimum required as measured from the center line of Glenwood Drive; if necessary 13.3 in lieu of 15.0 feet minimum required south side yard setback, 23.3 in lieu of 25.0 feet minimum required total of two side yards setback; and Section 334: construction on a portion of the lot with 90.4 in lieu of 100.0 feet minimum required lot depth. The property is situated on the southwest corner formed by the intersection of Devonshire Road and Glenwood Drive, and is shown on Assessor's Map #47 as Lot #80, being 12 Glenwood Drive, and located in the R-1/3 (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. 38-2013** - The application of Douglas VanderHorn and Douglas VanderHorn Architects on behalf of Charlotte and John Suhler filed on May 22, 2013 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning

Regulations; to allow the construction of a replacement two story residence, detached garage and generator shed; Section 385: a determination that the subject lot is a legal nonconforming building lot 135.0 in lieu of 150.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 135.0 in lieu of 150.0 feet minimum required lot width. The property is situated on the west side of Long Neck Point Road approximately 1,400 feet south of the south intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #18C, being 200 Long Neck Point Road and located in an R-1 (residential) Zone.

Architect Doug VanderHorn and Attorney Wilder Gleason 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. 40-2013** - The application of Edward and Elena Den Dooven filed on May 22, 2013 for variances of Sections 315 and 406 of the Darien Zoning Regulations; to allow the establishment of a second building lot; Section 315: allowing the regulations for the less restricted R-1/3 portion of the lot to extend into the more restricted R-1/2 portion of the lot; and/or Section 406: establishment of a building lot with 14,757 in lieu of 21,780 minimum required square feet, and 80.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the east side of Hoyt Street opposite the intersection of Heather Lane and Hoyt Street and is shown on Assessor's Map #29 as Lot #11, being 123 Hoyt Street and located in R-1/3 and R-1/2 (residential) Zones.

Edward and Elena Den Dooven answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Scott Cronin and Attorney Wilder Gleason questioned and objected to various aspects of the application. The Public Hearing was then closed.

**CALENDAR NO. 41-2013** - The application of Law Office of Bruce Hill, LC on behalf of Darien Community Association, Inc. filed on May 22, 2013 for variances of Sections 406 and 362 and/or an interpretation of Section 362 of the Darien Zoning Regulations; to allow the installation of 6, 10 foot high light poles and 8 foot high deer fencing; Section 406: 12.5 in lieu of 25.0 feet minimum required side yard setback for the light poles; and Section 362: 8 in lieu of 6 foot maximum allowable fence height within the front side and rear yard setback spaces, or an interpretation that the fencing falls within the Special Permit use exception. The property is situated on the south side of Middlesex Road opposite the intersection of Holly Lane and Middlesex Road and is shown on Assessor's Map #20 as Lot #42, being 274 Middlesex Road and located in an R-1 (residential) Zone.

Attorney Bruce Hill answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Craig Ferguson and Ed Sterns questioned one aspect of the application and supported one aspect of the application. 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. 11-2013** – The application of Victoria Trepp, 28 Driftway Lane. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to DENY the above delineated, requested variance.

**CALENDAR NO. 33-2013** - The application of Carol Matton, 47 Old Farm Road. Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

**CALENDAR NO. 34-2013** - The application of McKee Patterson and Austin Patterson Disston on behalf of Richard and Wendy Hokin, 25 Shipway Road. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Green, Jeff Williams, Rich Wood and John Ashburne. Vic Capellupo was opposed to the motion. State of Connecticut Statutes requires 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. 36-2013** - The application of Mark Lebow and William W. Seymour & Associates on behalf of Thomas & Patricia Darling, 12 Glenwood Drive. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances.

**CALENDAR NO. 38-2013** - The application of Douglas VanderHorn and Douglas VanderHorn Architects on behalf of Charlotte and John Suhler, 200 Long Neck Point Road. Upon a motion by John Ashburne, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance and interpretation.

**CALENDAR NO. 40-2013** - The application of Edward and Elena Den Dooven, 123 Hoyt Street. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the above delineated, requested variances.

**CALENDAR NO. 41-2013** - The application of Law Office of Bruce Hill, LC on behalf of Darien Community Association, Inc., 274 Middlesex Road. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

### **OTHER BUSINESS**

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

Status of compliance with the approved plans of Calendar No. 55-2008, Tov and Kate Haueisen, 103 West Avenue.

This matter was postponed to July 17, 2013.

Status of compliance with the approved plans of Calendar No. 26-2012, Paul F. & Amy J. Darrah, 11 Peabody Lane.

This matter was postponed to July 17, 2013.

Possible requested determination and status of efforts to obtain all required permits and begin on-site construction for ZBA Calendar No. 27-2012, regarding the building height determination, Alexander & Diviya Magaro, 203 Long Neck Point Road. The Public Hearing of this matter was June 20, 2012, July 18, 2012 and July 25, 2012. Initial ZBA approval expired on February 3, 2013 without any extension request.

This matter was postponed to July 17, 2013.

Possible requested six month extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 12-2013, regarding the cupola determination, ASL Partners LLC (formerly Alexander & Diviya Magaro), 203 Long Neck Point Road. The Public Hearing of this matter was March 20, 2013 and April 10, 2013. Initial ZBA approval expires on October 19, 2013.

This matter was postponed to July 17, 2013.

Possible requested amendment to a stipulation, of ZBA Calendar No. 26-2013, regarding overhangs removal, Edmund & Rosanne Fitzmaurice, 2 Clock Avenue. The Public Hearing of this matter was May 22, 2013.

This matter was postponed to July 17, 2013.

Review and approval of 2014 Meeting Schedule.

This matter was postponed to July 17, 2013.

Election of Officers.

This matter was postponed to July 17, 2013.

## ADJOURNMENT

The meeting was adjourned at 10:20 PM.

These Meeting Minutes,  
Respectfully submitted July 1, 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 Vic Capellupo, seconded by John Ashburne, approved by a vote of 3-0 at the ZBA meeting on September 11, 2013. Vic Capellupo, John Ashburne and Jeff Williams voted in favor of the motion.*