

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
October 23, 2013

REGULAR MEETING

Darien Town Hall - Room 206 – 7:45 to 8:42 PM

ZBA members present: Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams and Ruth Anne Ramsey

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

OPENING

ZBA Vice-Chair Jeff Williams 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. Williams announced that the Public Hearing of Calendar No. 59-2013, the application of Stephen K. Jones on behalf of Jodie R. Ruddy, 63 Old Kings Highway South, has been postponed to November 13, 2013, due to a lack of proper neighbor notification.

Mr. Williams announced that the Public Hearing of Calendar No. 62-2013, the application of John J. Ryan on behalf of John D. Young, 25 Tulip Tree Lane, is postponed to November 13, 2013, at the applicant's request.

PUBLIC HEARINGS

The following hearing was 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. 60-2013 - the application of Mr. Nick Aivalis, AIA on behalf of B.D.Q. LLC dba Anthony's Coal Fired Pizza submitted on September 26, 2013 for variances of Sections 906.4 and 940 of the Darien Zoning Regulations; to allow the construction of additional parking spaces; Section 906.4: 0.0 in lieu of 25.0 feet minimum required parking setback from the residential zone boundary line; and Section 940: establishment

of a landscape buffer area partially within the residentially zoned portion of the property. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection with Birch Road and is shown on Assessor's Map #13 as Lots #1 and 2, being 319 Boston Post Road and located in the SBE (commercial) Zone and a R-1/2 (residential) Zone.

Architect Nick Aivalis answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATION AND DECISION

The following decision was 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. 60-2013 - The application of Mr. Nick Aivalis, AIA on behalf of B.D.Q. LLC dba Anthony's Coal Fired Pizza, 319 Boston Post Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 4-0-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Jeff Williams, Vic Capellupo, Gary Greene and Rich Wood. Ruth Anne Ramsey abstained from voting. 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 was granted with stipulations.

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 September 11, 2013. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, John Ashburne, Rich Wood, and Vic Capellupo.

Upon a motion by Rich Wood, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Chuck Deluca previously indicated his approval.

General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff

questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

Staff reviewed the status of Planning & Zoning Commission consideration of Regulation changes relative to roof overhangs and coverage, which may affect a ZBA approved project with a coverage problem.

ADJOURNMENT

The meeting was adjourned at 8:42 PM.

These Meeting Minutes,
Respectfully submitted October 24, 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 Jeff Williams, seconded by Vic Capellupo, approved by a vote of 5-0 at the ZBA meeting on December 11, 2013. Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.