

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)  
DARIEN ZONING BOARD OF APPEALS (ZBA)  
March 21, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:57 to 10:20 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Al Tibbetts,  
Jeff Williams and John Ashburne

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

OPENING

ZBA Vice-Chairman Chuck Deluca opened the meeting at 7:57 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

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. 5-2012 - the application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn filed on February 15, 2012 for a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a two story residence with HVAC equipment, and a detached one story, one car garage; Section 334: building construction and adequate related site improvements on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Chestnut Street approximately 230 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #55, to be known as 23 Chestnut Street and located in an R-1/3 (residential) Zone.

Attorney Ben Proto and Engineer Mark Lancor answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Andrew Gale objected various features of the application. The Public Hearing was then closed.

**CALENDAR NO. 6-2012** – the application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn filed on February 15, 2012 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of a two story residence with HVAC equipment, and a detached two story, two car garage; Section 334: building construction and adequate related site improvements on a building lot with 60.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 20.0 in lieu of 30.0 feet minimum required front yard setback, and 40.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Chestnut Street for both structures. The property is situated at the southeast corner formed by the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #56, to be known as 27 Chestnut Street and located in an R-1/3 (residential) Zone.

Attorney Ben Proto and Engineer Mark Lancor answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Andrew Gale objected various features of the application. The Public Hearing was then closed.

**CALENDAR NO. 8-2012** – the application of Kathleen Willcox filed on February 15, 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 and Architect Rich Wood 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. 9-2012** – the application of Edmund Fitzmaurice & Rosanne Fitzmaurice filed on February 15, 2012 for variances of Section 406 of the Darien Zoning Regulations and an amendment to a stipulation of ZBA Calendar No. 14-2000, to allow the construction of a second story addition to the residence and the enlargement of a detached garage including a second floor; Section 406: 21.9 in lieu of 30.0 feet minimum required front yard setback and 4.5 in lieu of 10.0 feet minimum required side yard setback for the residence addition; and 22.4 in lieu

of 30.0 feet minimum required front yard setback, installation of a second floor level in an accessory structure, and amendment to a stipulation of ZBA Calendar No. 14-2000 for the detached garage; and/or 5.0 in lieu of 25.0 feet minimum required rear yard setback and 5.0 in lieu of 10.0 feet minimum required side yard setback for the proposed two story garage. The property is situated on the southwest corner formed by the intersection of Clock Avenue and Dickinson Road and is shown on Assessor's Map #42 as Lot #37, being 2 Clock Avenue and located in an R-1/3 (residential) Zone.

Ed Fitzmaurice and Rosanne Fitzmaurice 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. 10-2012** - the application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of Kristen Vrooman filed on February 15, 2012 for variances of Sections 406 and 334 of the Darien Zoning Regulations, to allow the construction of second and two story additions; Section 406: 24.6 in lieu of 35.0 feet minimum required west side yard setback, 57.8 in lieu of 70.0 feet minimum required total of two side yards setback; and Section 334: construction on a portion of the lot with 161 in lieu of 200.0 feet minimum required lot depth. The property is situated on the south side of Huckleberry Lane approximately 600 feet east of the intersection of Brookside Road and Huckleberry Lane and is shown on Assessor's Map #1 as Lot #81, being 30 Huckleberry Lane and located in an R-2 (residential) Zone.

Surveyor Jeff McDougal and owner Bob Vrooman 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. 11-2012** - the application of Neil Hayes and Mingoello & Hayes Arch. on behalf of Scott & Kathy Spaulding filed on February 15, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and two story additions with bay windows, dormers, front entry and covered porch; Section 406: 18.8 in lieu of 30.0 feet minimum required front yard setback and 12.1 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Miles Road Street at the southeast corner formed by the intersection of Hollow Tree Ridge Road and Miles Road and is shown on Assessor's Map #46 as Lot #127, being 1 Miles Road and located in an R-1/3 (residential) Zone.

Architect Neil Hayes answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Elaine Stinchfield objected various aspects 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. 5-2012** - The application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn, 23 Chestnut Street. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

**CALENDAR NO. 6-2012** - The application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn, 27 Chestnut Street. 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. 8-2012** - The application of Kathleen Willcox, 117 West Avenue. Upon a motion by Jeff Williams, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

**CALENDAR NO. 9-2012** - The application of Edmund Fitzmaurice & Rosanne Fitzmaurice, 2 Clock Avenue. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variance and amendment. Those voting in favor of the motion were Gary Greene, Chuck Deluca, Al Tibbetts, and Jeff Williams. Opposed to the motion was Vic Capellupo. 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 with stipulations.

**CALENDAR NO. 10-2012** - The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of Kristen Vrooman, 30 Huckleberry Lane. Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 11-2012** - The application of Neil Hayes and Mingoello & Hayes Arch. on behalf of Scott & Kathy Spaulding, 1 Miles Road. Upon a motion by Al Tibbetts, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

## **ADJOURNMENT**

The meeting was adjourned at 10:20 PM.

These Meeting Minutes,  
Respectfully submitted April 2, 2012  
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 Chuck Deluca, approved 5-0 at the ZBA meeting on April 25, 2012. Gary Greene, Chuck Deluca, Vic Capellupo, Al Tibbetts, Jeff Williams and John Ashburne voted in favor of the motion.