

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
February 15, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:50 to 9:37 PM

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

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:50 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. Greene announced that the Public Hearing of **Calendar No. 55-2011**, the application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah, 11 Peabody Lane, was re-opened and immediately re-continued without testimony to March 14, 2012, at the applicant's request.

Mr. Greene announced that the Public Hearing of **Calendar No. 52-2011**, the application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims, was postponed to March 14, 2012, at the applicant's request.

Mr. Greene announced that the Public Hearing of **Calendar No. 53-2011**, the application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe, 26 Raymond Street, was postponed to March 14, 2012, at the applicant's request.

Mr. Greene announced that the Public Hearing of **Calendar No. 1-2012**, the application of Brian Lorenz on behalf of Plaza Realty c/o Michael D. Hibbert and Starbucks, 815 Boston Post Road, was postponed to March 14, 2012, at the applicant's request.

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. 2-2012 - the application of Anthony's Coal Fired Pizza filed on January 18, 2012 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 of Birch Road and Boston Post 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.

CALENDAR NO. 3-2012 - the application of Ben & Trudie Larrabee filed on January 18, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of propane tanks and generator equipment; Section 406: 23.7 in lieu of 20.0 maximum allowable coverage. The property is situated on the south side of Fairview Avenue approximately 140 feet west of the intersection of Academy Street and Fairview Avenue and is shown on Assessor's Map #16 as Lot #50, being 26 Fairview Avenue and located in an R-1/3 (residential) Zone.

Ben and Trudie Larrabee 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 and possible revisions should be considered. The Public Hearing was then continued to the next ZBA meeting on March 14, 2012.

CALENDAR NO. 4-2012 - the application of Mario Lombardi filed on January 18, 2012 for an amendment to prior ZBA determinations and a variation of Section 386 of the Darien Zoning Regulations; to allow the restoration/renovation of a one and one-half story cottage residence; Amendment to the Stipulations of Calendar No. 20-2006; and Section 386:

renovation of a non-conforming building without complying with all Zoning standards. The property is situated on the north side of Old Kings Highway South approximately 200 feet west of the intersection of Andrews Drive and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #42, being 72-74 Old Kings Highway South and located in an R-1/3 (residential) Zone.

Mario Lombardi 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. 2-2012 - The application of Anthony's Coal Fired Pizza, 319 Boston Post Road. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Jeff Williams, Ruth Anne Ramsey and Rich Wood voted in favor of the motion. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require a super majority of 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. 4-2012 - The application of Mario Lombardi, 72-74 Old Kings Highway South. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Vic Capellupo, Jeff Williams, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.

OTHER BUSINESS

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

Requested three month extension, received January 30, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 29-2011, David A. Rosevear, 1 Patton Drive. Upon a motion by Jeff Williams, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the request.

Requested amendment to the approved plans of Calendar No. 43-2004, Gavin & Melissa Baiera, 26 Shipway Road, formerly property of Janice A. Mahaney. The ZBA determined that a new project application and Public Hearing will be necessary to properly consider the request.

Staff Requested Interpretation of Section 334 relative to proposed residence additions at 87 Old Kings Highway South. The ZBA determined that a new project application and Public Hearing will be necessary to properly consider the request.

Approval of Minutes and Resolutions of meeting on January 18, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 3-0 to APPROVE the subject minutes. Vic Capellupo, Gary Green and Jeff Williams voted in favor of the motion. Chuck Deluca and John Ashburne previously indicated their approval.

ADDITIONAL OTHER BUSINESS

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4-0 to add to the agenda the following discussion regarding proposed Post Road signage changes at the Darien Green, property owned by Normandy Darien Holdings at 320 & 330 Boston Post Road (Calendar No. 8-2009). Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4-0 to approve the changes subject to an explanation of why the sign was not installed in the ZBA approved location. Gary Greene, Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor. Jeff Williams abstained.

ADJOURNMENT

Gary Greene adjourned the meeting at 9:37 PM.

These Meeting Minutes,
Respectfully submitted February 17, 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 Gary Greene, seconded by Vic Capellupo, approved 4-0 at the ZBA meeting on March 14, 2012. Vic Capellupo, Gary Greene, Ruth Anne Ramsey and Rich Wood voted in favor of the motion. Jeff Williams previously indicated his approval.