

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
September 19, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:47 to 10:50 PM

ZBA members present: Chuck Deluca, 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 7:47 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. 37-2012 - the application of Denise Bloodgood and Bloodgood & Cugno Architects on behalf of Nicholas and Kerrie Langeveld, filed on August 14, 2012 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 and one half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 144.3 in lieu of 150.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 144.3 in lieu of 150.0 feet minimum required lot width. The property is situated on the west side of Nearwater Lane approximately 550 feet north of the intersection of Nickerson Lane and Nearwater Lane and is shown on Assessor's Map #52 as Lot #22, being 47 Nearwater Lane and located in an R-1 (residential) Zone.

Denise Bloodgood answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Robert Bowtell questioned and objected to various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 38-2012 - the application of John J. Ryan, Esq. on behalf of Kenneth R. and Donah D. Antonelli, filed on August 14, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the existing deck and HVAC unit to remain; Section 406: 31.5 in lieu of 90.0 feet minimum required front yard setback for the deck; and 72.0 feet in lieu of 90 feet minimum required front yard setback for the HVAC unit. 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 an R-1 and R-1/2 (residential) Zone.

John Ryan 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. 39-2012 - the application of Mark Lebow, William W. Seymour & Associates, P.C., on behalf of Eric and Jeanne Bickford, filed on August 14, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow an expansion of the existing second story to a full second story; Section 406: 19.6 in lieu of 25 feet minimum required rear yard setback. The property is on the west side of Laurel Lane at the corner formed by the intersection of Middlesex Road and Laurel Lane and is shown on Assessor's Map #27 as Lot #18, being 5 Laurel Lane and located in an R-1/2 (residential) Zone.

Mark Lebow and Eric Bickford 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. 40-2012 - the application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of Saint Luke's Episcopal Church, filed on August 14, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow renovations of a portion of the existing basement Undercroft space; Section 406: 33.8 in lieu of 30.0 feet maximum allowable building height. The property is on the south side of Boston Post Road at the southeast corner formed by the intersection of Rings End Road and Boston Post Road and is shown on Assessor's Map #49 as Lots #54, 55 and 56, being 1864 Boston Post Road and located in an R-1 and R-1/2 (residential) Zone.

Neil Hauck and John Ryan 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. 41-2012 - the application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Jacqueline Calabro, filed on August 14, 2012 for a variance of Sections 406.6 and 406.7 of the Darien Zoning Regulations, to allow the construction of a two and one-half story addition and a front porch roof modification; Section 406: 5.6 in lieu of 11.7 feet minimum required north side yard setback and 13.9 in lieu of 22.8 feet minimum required south side yard setback for the 2½ story addition; and 28.2 in lieu of 30.0 feet minimum required front yard setback for the front porch roof. The property is situated on the west side of Oak Park Avenue approximately 190 feet north from the intersection of West Avenue and Oak Park Avenue and is shown on Assessor's Map #23 as Lot #12, being 5 Oak Park Avenue and located in an R-1/3 (residential) Zone.

Lance Zimmerman and Jacqueline Calabro answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Maureen Meehan and Ellen Corneliusen objected to and questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 42-2012 - the application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Daniel J. McNulty, filed on August 15, 2012 for an amendment to the previously approved plans of Calendar No. 90-2004 and a variance of Section 406 of the Darien Zoning Regulations, to allow the previously constructed building features and the existing dormer to remain; Section 406: 21.9 in lieu of 35.0 minimum required side yard setback. The property is situated on the east side of Woodley Road at the southeast corner formed by the intersection of Ridge Acres Road and Woodley Road and is shown on Assessor's Map #4 as Lot #59, being 6 Woodley Road and located in an R-2 (residential) Zone.

Lance Zimmerman answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Nancy Brewer questioned various aspects of the application. Mike Coady supported 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. 37-2012 - The application of Denise Bloodgood and Bloodgood & Cugno Architects on behalf of Nicholas and Kerrie Langeveld, 47 Nearwater Lane. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to

GRANT WITH STIPULATIONS the above delineated, requested variance and interpretation.

CALENDAR NO. 38-2012 - The application of John J. Ryan, Esq. on behalf of Kenneth R. and Donah D. Antonelli, 18 Five Mile River Road. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 39-2012 - The application of Mark Lebow, William W. Seymour & Associates, P.C., on behalf of Eric and Jeanne Bickford, 5 Laurel Lane. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 40-2012 - The application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of Saint Luke's Episcopal Church, 1864 Boston Post Road. Upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 41-2012 - The application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Jacqueline Calabro, 5 Oak Park Avenue. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 4-1 to DENY the above delineated, requested variances. Those voting in favor of the motion were Chuck Deluca, Jeff Williams, Vic Capellupo and Rich Wood. Ruth Anne Ramsey was opposed to the motion. 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.

CALENDAR NO. 42-2012 - The application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Daniel J. McNulty, 6 Woodley Road. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variance and amendment.

OTHER BUSINESS

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

Requested amendment to the approved plans of Calendar No. 33-2012, Anton Tinaj, 114 Hecker Avenue. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the request.

Approval of Minutes of meeting on July 25, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and Ruth Anne Ramsey. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor of the motion were Vic Capellupo, Jeff Williams and Ruth Anne Ramsey. Gary Greene and Al Tibbetts also indicated their approval.

Requested amendment to the approved plans of Calendar No. 4-2012, Mario Lombardi, 72-74 Old Kings Highway South. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 4-0 to GRANT the requested amendment.

Election of Officers by Regular Members, was postponed.

ADDITIONAL OTHER BUSINESS

Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to add the following extension request to the agenda.

Requested extension, received September 19, 2012, to obtain all required permits and begin on-site construction/installation for ZBA Calendar No. 3-2012, Ben & Trudie Larrabee, 26 Fairview Avenue. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT a four month extension.

ADJOURNMENT

Upon a motion by Vic Capellupo, seconded by Jeff Williams, and a ZBA vote of 4-0, the meeting was adjourned at 10:50 PM.

These Meeting Minutes,
Respectfully submitted September 21, 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 Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the minutes at the ZBA meeting on November 14, 2012. Chuck Deluca, Jeff Williams, John Ashburne, Rich Wood and Vic Capellupo voted in favor of the motion.