

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
JULY 25, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:46 to 11:01 PM

ZBA members present: Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams,
and Ruth Anne Ramsey

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:46 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. 30-2012, the application of Consulting and Design on behalf of Drake Petroleum dba Exxon, 1358 Boston Post Road, is postponed to September 12, 2012.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the June 20, 2012 and July 18, 2012 meetings 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. 27-2012 - the application of Dinyar Wadia, Wadia Associates on behalf of Estate of Mary K. Ewing and contract purchaser Alex Magaro filed on May 23, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a two and one-half story residence with ridge, cupola, dormer, tower and upper eave features; Section 406: 38.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 1000 feet south of the intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's

Map #61 as Lot #9, being 203 Long Neck Point Road and located in an R-1 (residential) Zone.

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.

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. 21-2012 - the application of William I. Haslun, II, Esq. on behalf of Giovanni's Water's Edge and PR Partnership, LLC and PL Partnership, LLC filed on May 23, 2012 for variances of Sections 381-387 and 904 if necessary of the Darien Zoning Regulations, to allow the construction of a one story deck with pergola above and parking under structure; Sections 381-387: enlargement of non-conforming building and intensification of use; and Section 904 if necessary: expansion of gross floor area and a possible reduction in the total number of parking spaces on a property with deficient existing parking quantity. The property is situated opposite the intersection of Brookside Drive and Boston Post Road and is shown on Assessor's Map #54 as Lot #35 and a portion of lot #33, being 2748 Boston Post Road and a portion of 3 Purdy Lane and located in an R-1/3 (residential) Zone.

Attorney Chip Haslun, Sal and Joanne Latorica answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Nick and Penny Briganti, Warren Matthews and Aimee North objected to the application. The Public Hearing was then closed.

CALENDAR NO. 32-2012 - the application of Peter and Cara Martin filed on June 20, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a deck and the installation of an arbor; Section 406: 10.8 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Andrews Drive and is accessed by a common driveway located on the south side of Locust Hill Road approximately 150 feet east of the intersection of Locust Hill Road and Andrews Drive and is shown on Assessor's Map #64 as Lot #109, being 6 Andrews Drive and located in an R-1/2 (residential) Zone.

Peter and Cara Martin 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. 33-2012 - the application of Anton Tinaj filed on June 20, 2012 for a variance of Section 339f of the Darien Zoning Regulations, to allow the construction of second and attic story and two and one-half story additions with decks; Section 406: 11.0 in lieu of 80.0 feet minimum required front yard setback. The property is situated on the south side of Hecker Avenue approximately 150 feet east of the intersection of Wistar Court and Hecker Avenue and is shown on Assessor's Map #42 as Lot #135, being 114 Hecker Avenue and located in an R-1/3 (residential) Zone.

Architect Brad Jonkers and Anton Tinaj 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. 34-2012 - the application of Jeana & Kevin Roche filed on June 27, 2012 for variances of Sections 406 and 334 of the Darien Zoning Regulations, to allow the installation of an AC compressor and a propane tank; Section 406: 24.8 in lieu of 20.0 feet maximum allowable coverage; and Section 334: installation of structure features on a building lot with 76.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the south side of Oak Crest approximately 200 feet east of the intersection of Mansfield Avenue and Oak Crest and is shown on Assessor's Map #15 as Lot #110, being 4 Oak Crest and located in an R-1/2 (residential) Zone.

Kevin Roche 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. The Public Hearing was then continued to the next ZBA meeting on September 12, 2012.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the June 20, 2012 and July 18, 2012 meetings 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. 29-2012 - the application of Gleason & Associates LLC on behalf of Shawn P. Burke and Vivianne F. Burke, William J. Nelson and Gillian Nelson, and David M. Sinclair, regarding property of Estate of Beatrice Richards, filed on May 23, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Director of Planning to approve/authorize the filing of a free cut map creating 2 building lots out of the 123 Five Mile River Road property. The subject property is situated on the east side of Five Mile River Road approximately 500 feet south of the intersection of Five Mile River Road and Davis Lane and is shown on Assessor's Map #67 as Lot #2, being 123 Five Mile River Road and located in an R-1/2 (residential) Zone.

Jeremy Ginsberg, Director of Planning & Zoning, and Attorney Wilder Gleason answered various questions and explained the appeal as described in the application materials. Attorney John Harness objected to various aspects of the application. Callie Sullivan, Bob Gadsden and Dave Elders objected to 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. 27-2012 - The application of Alex Magaro, 203 Long Neck Point Road. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT WITH STIPULATIONS an interpretation of the above delineated, requested variance.

CALENDAR NO. 21-2012 - The application of William I. Haslun, II, Esq. on behalf of Giovanni's Water's Edge and PR Partnership, LLC and PL Partnership, LLC, 2748 Boston Post Road and a portion of 3 Purdy Lane. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 3-0-2 to DENY the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo and Ruth Anne Ramsey. Al Tibbetts and Jeff Williams 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 is denied.

CALENDAR NO. 32-2012 - The application of Peter and Cara Martin, 6 Andrews Drive. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 33-2012 - The application of Anton Tinaj, 114 Hecker Avenue. Upon a motion by Gary Greene seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 29-2012 - The application of Gleason & Associates LLC on behalf of Shawn P. Burke and Vivianne F. Burke, William J. Nelson and Gillian Nelson, and David M. Sinclair, regarding property of Estate of Beatrice Richards, 123 Five Mile River Road. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to DENY the above delineated, requested appeal application. Those voting in favor of the motion were Al Tibbetts, Ruth Anne Ramsey, Gary Greene and Jeff Williams. Vic Capellupo was opposed. 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.

ADJOURNMENT

Upon a motion by Al Tibbetts, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 11:01 PM.

These Meeting Minutes,
Respectfully submitted July 27, 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 Vic Capellupo, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the minutes at the ZBA meeting on September 19, 2012. 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.