

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
NOVEMBER 17, 2010

REGULAR MEETING

Darien Town Hall - Room 206 - 7:50 to 8:52 PM

ZBA members present: Gary Greene, Al Tibbetts, Chuck Deluca, Ruth Anne Ramsey, and John Ashburne

Staff Present: Zoning Enforcement Officer Dave Keating, Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Vice 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.

PUBLIC HEARING

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. 60-2010 - the application of Neil Hauck, AIA on behalf of Edward D. Brown & Yael C. van Hulst filed on October 20, 2010 for an appeal under Section 1122, of the Darien Zoning Regulations, of the decision, and/or determination of the Zoning Enforcement Officer regarding building height; an interpretation of Section 210; and if necessary a variance of Section 406 of the Darien Zoning Regulations to allow the construction of second floor shed roof and attic floor clerestory roof forms; Section 210: an interpretation that the proposed forms do not create upper eave lines in the calculation of Building Height; and if necessary Section 406: 32'-5 5/8" and 34'-9" in lieu of 30'-0" maximum building height. The property is situated on the south side of Baywater Drive at the southeast corner formed by the intersection of Baywater Drive and Nearwater Lane and is shown on Assessor's Map #55 as Lots #105 and 106, being 2 Baywater Drive and located in the NBD (residential) Zone. Neil Hauck answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Dave Keating also

answered various questions, explained his determination, and reviewed the regulations relative to this matter. 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. 60-2010 - The application of Neil Hauck, AIA on behalf of Edward D. Brown & Yael C. van Hulst, 2 Baywater Drive. Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 4-1 to DENY THE APPEAL AND SUSTAIN THE DECISION OF THE ZONING ENFORCEMENT OFFICER. Gary Greene, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Al Tibbetts was opposed to the motion.

Upon a separate motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to DENY the above delineated, requested variances. Gary Greene, Al Tibbetts, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey 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 amendment to the approved plans of Calendar No. 67-2008, Donna and Arthur Collins, 45 Pear Tree Point Road. Upon a motion by John Ashburne, seconded by Chuck Deluca, the ZBA voted 5-0 to DENY the request. Gary Greene, Al Tibbetts, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

Requested six month extension, received October 27, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 44-2009, Daniel & Margaret Smith, 147 Long Neck Point Road. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the request.

Requested six month extension, received November 2, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 35-2010, Michael Burkhart on behalf of Prudence K. Burkhart, 12 Fitch Avenue. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the request.

Requested six month extension, received November 12, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 39-2009, J. Wilson Ropp & Adrienne Dreiss, 364 Hollow Tree Ridge Road. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the request.

Requested amendment to the approved plans of Calendar No. 42-2010, Chris Lionetti, 31 Fairview Avenue. ZBA staff reported that one corner of the to be preserved segments of the existing structure was adequately constructed but sustained water damage. This has to now be rebuilt to satisfy the Building Code. However all the other preservation obligations have been successfully fulfilled to date. Therefore no additional ZBA action is needed at this time.

Approval of Minutes of meeting on September 22, 2010. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari. Upon a motion by John Ashburne, seconded by Al Tibbetts, the ZBA voted 2-0 to APPROVE the subject minutes. John Ashburne and Al Tibbetts voted in favor of the motion. Vic Capellupo, Jeff Williams, and Anthony Simari also previously indicated their approval.

Approval of Minutes of meeting on October 20, 2010. ZBA members attending this meeting were Vic Capellupo, Jeff Williams, Chuck Deluca, John Ashburne, Anthony Simari, and Ruth Anne Ramsey. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 3-0 to APPROVE the subject minutes. Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Vic Capellupo, Jeff Williams, and Anthony Simari also previously indicated their approval.

Election of Officers. Upon a motion by Chuck Deluca, seconded by Al Tibbetts, the regular ZBA members present voted 2-0-1 to elect Gary Greene Chair. Chuck Deluca and Al Tibbetts voted in favor of the motion. Gary Greene abstained. Jeff Williams also previously indicated his approval.

Upon a motion by Gary Greene, seconded by Al Tibbetts, the regular ZBA members present voted 2-0-1 to elect Chuck Deluca Vice Chair. Gary Greene and Al Tibbetts voted in favor of the motion. Chuck Deluca abstained. Jeff Williams also previously indicated his approval.

The term of these officers will end on June 30, 2011.

ADJOURNMENT

Upon a motion by Al Tibbetts, seconded by Chuck Deluca, and a ZBA vote of 5-0, the meeting was adjourned at 8:52 PM.

These Meeting Minutes were
Respectfully submitted November 23, 2010,
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 Ruth Anne Ramsey, approved 4-0 at the ZBA meeting on January 19, 2011. Gary Greene, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Al Tibbetts also previously indicated his approval.