

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
JANUARY 14, 2009

Darien Town Hall - Room 206 - 7:50 to 10:20 PM

ZBA members present: Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Polly Davis
Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

ZBA Vice Chair Gary Greene opened the meeting at 7:50 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 63-2008 - the application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC. A letter objecting to various aspects of the project was received from neighbor Jacqueline Combs and included in the file record. The Public Hearing was then immediately continued to February 11, 2009 without further comment or testimony.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 68-2008 - the application of Charles Fiordalis filed on December 17, 2008 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 12.2 in lieu of 13.0 feet minimum required west side yard setback; 19.2 in lieu of 20.0 minimum required total of two side yards setback; and construction of additional building volume on a lot with 22.54 in lieu of 20.0% maximum allowable building coverage. The property is a through lot situated on the south side of Cherry Street and the north side of St. John's Place approximately 300 feet east of the intersection of Cherry Street and Fitch Avenue and is shown on Assessor's Map #41 as Lot #62, being 11 Cherry Street and located in an R-1/5 (residential) Zone.

Charlie Fiordalis 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. 69-2008 - the application of Robert F. Maslan, Jr., Esq. on behalf of Thomas Jackson filed on December 17, 2008 for variances of Sections 386b and 406 of the Darien Zoning Regulations, to allow the restoration/reconstruction of a two and one-half story residence; Section 406: 23.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the southwest side of Rings End Road approximately 220 feet southeast of the intersection of Rings End Road and Harbor Road and is shown on Assessor's Map #51 as Lot #5, being 84 Rings End Road and located in an R-1 (residential) Zone.

Bob Maslan and Thomas Jackson answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Tom Davidson submitted a letter and questioned and objected to various aspects of the project. The Public Hearing was then closed.

CALENDAR NO. 70-2008 - the application of Mark Andriuk and J. Baron Land Co. LLC, on behalf of Francis & Edith Nelson filed on December 17, 2008 for an amendment to the approved plans of ZBA Calendar No. 8-2008, to allow the property line between the 2 proposed building lots to be modified. The property is situated on the west side of Raymond Street approximately 600 feet south of the intersection of Raymond Street and Tulip Tree Road and is shown on Assessor's Map #33 as Lot #11, being 103 Raymond Street and located in an R-1/2 and R-1 (residential) Zone.

Mark Andriuk answered various questions and explained the proposal depicted on the submitted plan and described in the application materials. Rick Stile questioned various aspects of the proposal. Doug Trauber supported the proposal. The Public Hearing was then closed.

CALENDAR NO. 71-2008 - the application of Amy S. Zabetakis, Esq. on behalf of Joseph & Sarah Licari filed on December 17, 2008 for an interpretation of Sections 354, 384, and 406; and if necessary a variance of Sections 354 and 406 of the Darien Zoning Regulations, to allow the installation of a Bilco style door; Sections 354, 384, and 406: an interpretation that the proposed Bilco door may extend no closer than 5.0 feet from the west property line; or Sections 354 and 406: 6.09 in lieu of 6.41 feet minimum required side yard setback. The property is situated on the south side of Cherry Street approximately 50 feet west of the intersection of Cherry Street and Ash Street and is shown on Assessor's Map #41 as Lot #57, being 21 Cherry Street and located in an R-1/5 (residential) Zone. Amy Zabetakis and Joe Licari answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

POSTPONEMENTS

Mr. Greene announced that the Public Hearing of Calendar No. 72-2009, the application of John Olsen, 50 Sunset Road, has been postponed to February 11, 2009.

Mr. Greene announced that the Public Hearing of Calendar No. 73-2009, the application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner, 171 Boston Post Road, has been postponed to February 11, 2009.

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. 68-2008 - the application of Charles Fiordalis, 11 Cherry Street. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis voted in favor of the motion.

CALENDAR NO. 69-2008 - the application of Robert F. Maslan, Jr., Esq. on behalf of Thomas Jackson, 84 Rings End Road. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion.

CALENDAR NO. 70-2008 - the application of Mark Andriuk and J. Baron Land Co. LLC, on behalf of Francis & Edith Nelson, 103 Raymond Street. Upon a motion by John Ashburne, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested amendment. Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

CALENDAR NO. 71-2008 - the application of Amy S. Zabetakis, Esq. on behalf of Joseph & Sarah Licari, 21 Cherry Street. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance. Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis voted in favor of the motion.

OTHER BUSINESS

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

Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 139 Tokeneke Road and 79 Locust Hill Road. The ZBA reviewed the Stipulation, a Staff Memorandum and photographs of the current condition of the structures on the subject property. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to determine that the terms of the Stipulation have been satisfied relative to the 139 Tokeneke Road residence. Gary Greene, Al Tibbetts, Ruth Anne Ramsey, John Ashburne, and Polly Davis voted in favor of the motion. The ZBA also determined that the terms of the Stipulation have not been satisfied relative to the 79 Locust Hill Road residence. The ZBA instructed Staff to request that the 79 Locust Hill owner appear at the February 11, 2009 ZBA meeting to explain the circumstances and discuss other options, as specified in the Stipulation.

Requested two year extension, for ZBA Calendar No. 37-2008, Law Office of Bruce Hill, LLC on behalf of the Town of Darien and the Darien Police Department Building Committee, 25 Hecker Avenue. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 6-0 to GRANT the request. Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Polly Davis voted in favor of the motion.

Requested amendment to the approved plans of Calendar No. 65-2007, Michael & Christine Imbrogno, 25R Gardiner Street. The ZBA determined that the project construction differed significantly from the approved plans and a new Public Hearing is necessary to properly evaluate the changes.

Approval of Minutes of meeting on December 17, 2008. Polly Davis previously noted a typographical error which was corrected by Staff. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4 -0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion. Vic Capellupo and Chuck Deluca also previously indicated their approval.

Approval of Minutes of Calendar No. 64-2008, Jacqueline Pask and Acme Sign Company on behalf of Baywater Post Road Associates II, LLC, 1020 Boston Post Road. Vic Capellupo previously provided clarification of his statements, which were included by ZBA Staff. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the subject minutes. Gary Greene, Jeff

Williams, and Ruth Anne Ramsey voted in favor of the motion. Vic Capellupo and Chuck Deluca also previously indicated their approval.

Requested 6 month extension, to obtain all required permits and begin on-site construction; and requested amendment to the approved plans of Calendar No. 46-2008, Mary Ann Morrison, 48 Raymond Street. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to APPROVE the subject amended plans with the specific condition that flood damage prevention venting be installed in the existing foundation as depicted on the plans. Gary Greene, Jeff Williams, Al Tibbetts, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

Requested amendment to the approved plans of Calendar No. 91-2005, Joel & Kristy Schutzman, 31 Fairfield Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4 -1 to APPROVE the subject amended plans. Gary Greene, Al Tibbetts, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion. Jeff Williams was opposed.

Requested two month extension, received December 30, 2008, to obtain all required permits and begin on-site construction, and requested amendment to the approved plans for ZBA Calendar No. 24-2008, Archibald Russell, 10 Libby Lane. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to APPROVE the extension. Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion. Contractor James Hines said that amended project plans would be provided at a later date for ZBA consideration.

Requested amendment to the approved plans of Calendar No. 66-2008, Carolyn Parker and NW Sign on behalf of Darien Joint Venture, LLC and JP Morgan Chase Bank, 454 Boston Post Road. Upon a motion by Polly Davis, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the amendment. Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion.

The meeting was adjourned at 10:20 PM.

These Meeting Minutes were reviewed by the seated ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2008. ... also (or previously) indicated his/her approval.

Respectfully submitted January 21, 2009
by Robert Woodside,
Code Compliance Officer

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