

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
January 27, 2016

REGULAR MEETING

Darien Town Hall - Room 206 – 7:47 to 10:02 PM

ZBA members present: Vic Capellupo, Rich Wood, Jeff Williams, Ruth Anne Ramsey
and Mike Nedder

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

OPENING

ZBA Vice-Chair Mike Nedder 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.

POSTPONEMENTS AND CONTINUATIONS

Mr. Nedder announced that the Public Hearing of Calendar No. 53-2015, the application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, 20 Wakemore Street, is re-opened and immediately re-continued without testimony to February 24, 2016, at the applicant's request.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the December 16, 2015 meeting 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. 55-2015 - the application of Robert Brown submitted on November 18, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of the kitchen roof, the construction of a second story addition and a covered front porch; Section 406: 14.9 in lieu of 30.0 feet minimum required front yard setback and 39.9 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Anthony Lane for the kitchen reconstruction; 19.3 in lieu of 30.0 feet minimum required front yard setback and 44.3 in lieu of 55.0 feet minimum

required front yard setback as measured from the centerline of Anthony Lane for the second story addition; and 22.7 in lieu of 30.0 feet minimum required front yard setback and 47.7 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Anthony Lane for the covered porch. The property is situated on the southwest corner of the intersection formed by Anthony Lane and Hillside Avenue and is shown on Assessor's Map #47 as Lot #45, being 39 Hillside Avenue and located in an R-1/3 (residential) Zone.

Robert Brown and Koryann Brown, property owners, 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. 02-2016 - the application of Tracy Becker and National Sign Corporation on behalf of Cook Family Ltd Ptnr dba Bertucci's Kitchen ♦ Bar submitted on December 18, 2015 for an amendment of Calendar No. 30-2008 and variances of Sections 923 and 926 of the Darien Zoning Regulations; to allow modifications to the existing wall and awning signs; Section 923: 16.0 inch in lieu of 10.0 inch maximum height allowable for letters and Section 926: internal wall sign illumination where none is permitted. The property is situated on the southeast side of the Boston Post Road opposite the intersection with West Norwalk Road and is shown on Assessor's Map #32 as Lots #1 & #2, being 54 Boston Post Road and located in an SB-E (commercial) Zone.

Richard Rizzo, on behalf of National Sign and Bertucci's, 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 February 24, 2016.

CALENDAR NO. 04-2016 - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Brandt McKee & Jacqueline Stoddard submitted on December 22, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction and enlargement of a one story garage with an attached shed and breezeway, and the construction of a one story house addition with a porch and landing; Section 406: 5.7 and 16.4 in lieu of 40.0 feet minimum required north rear yard setback; and 26.6 and 27.8 in lieu of 40.0 feet minimum required east rear yard setback.

The property is an interior lot accessed from a common driveway situated on the east side of Nearwater Lane approximately 600 feet south of the intersection of Nickerson Lane and is shown on Assessor's Map #57 as Lot #11, being 114 Nearwater Lane and located in an R-1 (residential) Zone.

Attorney Bob Maslan and Architect Richard Swan answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Jim Tweedy, of neighboring 108 Nearwater Lane, spoke in support of the application. The Public Hearing was then closed.

CALENDAR NO. 03-2016 - the application of Philip Hubbard, AIA, PH Architects, LLC and Beacon Development, LLC on behalf of Secure Residential, LLC submitted on December 21, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a new covered front entry and stairs, attic story dormers, roof reconstruction, a two story rear addition, and the installation of AC equipment; Section 406: 19.8 in lieu of 30.0 feet minimum required front yard setback and 44.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Park Place for the covered entry and stairs; 28.7 in lieu of 30.0 feet minimum required front yard setback, 13.2 in lieu of 14.7 feet minimum required west side yard setback and 17.3 in lieu of 18.7 feet minimum required east side yard setback for the attic story dormers; 6.3 in lieu of 14.7 feet minimum required west side yard setback, 10.3 in lieu of 18.7 feet minimum required east side yard setback, and 16.6 in lieu of 25.0 feet minimum required total of two side yard setbacks for the roof reconstruction; 10.5 in lieu of 14.7 feet minimum required west side yard setback and 15.5 in lieu of 18.7 feet minimum required east side yard setback for the two story rear addition; and 13.2 in lieu of 14.7 feet minimum required west side yard setback for the AC equipment. The property is situated on the south side of Park Place approximately 430 feet east of the intersection with Noroton Avenue and is shown on Assessor's Map #42 as Lot #78, being 18 Park Place and located in an R-1/3 (residential) Zone.

Architect Phil Hubbard 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. 07-2016 - the application of Douglas DiVesta, PE and DiVesta Civil Engineering Associates, Inc. on behalf of Everett Schenk submitted on December 23, 2015 for a determination under Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 61,896 square feet (1.42 acres) in lieu of 87,120 square feet (2.0 acres) minimum required

lot size and with a variable lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the lot with 161.72 in lieu of 200.0 feet minimum required lot width. The property is situated on the east side of Salisbury Road approximately 450 feet southeast of the intersection with Pembroke Road and is shown on Assessor's Map #1 as Lot #101, being 19 Salisbury Road and located in an R-2 (residential) Zone.

Architect David Prusch on behalf of Doug Divesta answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Cheryl Viesto objected to 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. 55-2015 - The application of Robert Brown, 39 Hillside Avenue. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Ruth Anne Ramsey, Jeff Williams, Vic Capellupo and Mike Nedder. Rich Wood 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 granted with stipulations.

CALENDAR NO. 04-2016 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Brandt McKee & Jacqueline Stoddard, 114 Nearwater Lane. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 03-2016 - The application of Philip Hubbard, AIA, PH Architects, LLC and Beacon Development, LLC on behalf of Secure Residential, LLC, 18 Park Place. Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 07-2016 - The application of Douglas DiVesta, PE and DiVesta Civil Engineering Associates, Inc. on behalf of Everett Schenk, 19 Salisbury Road. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 4-1 to GRANT WITH

STIPULATIONS the above delineated, requested determination and variance. Those voting in favor of the motion were Jeff Williams, Rich Wood, Vic Capellupo and Ruth Anne Ramsey. Mike Nedder 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 granted with stipulations.

OTHER BUSINESS

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

Approval of Minutes of meeting on November 18, 2015. ZBA members attending this meeting were Vic Capellupo, Rich Wood, Jeff Williams, Mike Nedder and Kevin Fullington.

Upon a motion by Rich Wood, seconded by Mike Nedder, the ZBA voted 4-0 to APPROVE the minutes. Those voting in favor were Rich Wood, Mike Nedder, Vic Capellupo and Jeff Williams.

Approval of Summary Minutes of meeting on December 16, 2015. ZBA members attending this meeting were Vic Capellupo and Ruth Anne Ramsey.

Upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, the ZBA voted 2-0 to APPROVE the minutes. Those voting in favor were Vic Capellupo and Ruth Anne Ramsey.

ADJOURNMENT

The meeting was adjourned at 10:02 PM.

These Meeting Minutes,
Respectfully submitted February 2, 2016,
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 Mike Nedder, seconded by Jeff Williams, approved by a vote of 4-0 at the ZBA meeting on March 23, 2016. Mike Nedder, Jeff Williams, Vic Capellupo and Rich Wood voted in favor of the motion. Ruth Anne Ramsey previously indicated her approval.