

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
February 11, 2015

REGULAR MEETING

Darien Town Hall - Auditorium - 7:49 to 9:38 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder and Kevin Fullington

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

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:49 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. Deluca announced that the Public Hearing of Calendar No. 01-2015, the application of Kathleen Willcox, 117 West Avenue, is re-opened and immediately re-continued without testimony to March 11, 2015, at the applicant's request.

Mr. Deluca announced that the Public Hearing of Calendar No. 05-2015, the application of Douglas McKay on behalf of 537 Post Road LLC, 537 Boston Post Road, is postponed to March 11, 2015, at the applicant's request.

Mr. Deluca announced that the Public Hearing of Calendar No. 08-2015, the application of John Toates and JTAD LLC on behalf of Joseph & Rita Maruszewski, 102 Mansfield Avenue, is opened and immediately continued without testimony to March 11, 2015, due to incomplete project plans.

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. 07-2015 - the application of Heidi & Jordan Davis submitted on January 13, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and covered front porch additions; Section 406: 17.2 in lieu of 25.0 feet minimum required Park Lane front yard setback, 32.7 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Park Lane, and 18.2 in lieu of 25.0 feet minimum required Holmes Avenue front yard setback for the second story addition; and 44.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Park Lane, and 23.3 in lieu of 25.0 feet minimum required Holmes Avenue front yard setback for the covered porch. The property is situated on the southwest side of Holmes Avenue at the southeast corner formed by the intersection of Holmes Avenue and Park Lane and is shown on Assessor's Map #25 as Lot #18, being 134 Holmes Avenue and located in an R-1/5 (residential) Zone.

Heidi Davis 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. 09-2015 - the application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Brian & Cindy Rolapp submitted on January 14, 2015 for a variance of Section 406 and/or an interpretation of Sections 337 and 1122 of the Darien Zoning Regulations; to allow the construction of a swimming pool; Section 406: 19.7 in lieu of 40.0 feet minimum required rear yard setback; and/or Sections 337 and 1122: an interpretation that the northeast property line is a side rather than a rear property line. The property is located on the north side of Fox Hill Lane approximately 450 feet west of the intersection with Mansfield Avenue and is shown on Assessor's Map #6 as Lot #120, being 7 Fox Hill Lane and located in an R-1 (residential) Zone.

Architect Lance Zimmerman and Brian Rolapp 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. 10-2015 - the application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Kevin & Jennifer Hite submitted on January 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story garage addition; Section 406: 8.7 in lieu of 30.0 feet minimum required Hoyt Street front yard setback, and 32.3 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Hoyt Street. The property is situated on the northwest corner of the intersection formed by Hoyt Street and Heather Lane and is shown on Assessor's Map #31 as Lot #11, being 2 Heather Lane and located in an R-1/3 (residential) Zone.

Architect Lance Zimmerman 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. 11-2015 - the application of David Ingraham submitted on January 16, 2015 for an amendment to the stipulations of ZBA Calendar No. 55-2014; to allow the removal of a Casement Street tree and the construction of a driveway. The property is situated on the southeast corner of the intersection of Casement Street and Dubois Street and is shown on Assessor's Map #43 as Lot #23, being 33 Casement Street and located in the R-1/5 (residential) Zone.

David Ingraham answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. 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. 07-2015 - The application of Heidi & Jordan Davis, 134 Holmes. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 09-2015 - The application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Brian & Cindy Rolapp, 7 Fox Hill Lane. Upon a motion by Kevin Fullington, seconded by Mike Nedder, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variance and interpretation.

CALENDAR NO. 10-2015 - The application of Lance Zimmerman, AIA and Zimmerman Architecture on behalf of Kevin & Jennifer Hite, 2 Heather Lane. Upon a motion by Mike Nedder, seconded by Gary Greene, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Mike Nedder, Gary Greene, Chuck Deluca and Kevin Fullington. Vic Capellupo 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. 11-2015 - The application of David Ingraham, 33 Casement Street. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested amendment.

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 December 10, 2014. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor of the motion were Chuck Deluca, Vic Capellupo and Mike Nedder. Rich Wood also indicated his approval previously.

Approval of Minutes of meeting on January 14, 2015. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, and Mike Nedder.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Chuck Deluca, Gary Greene, Vic Capellupo and Mike Nedder. Jeff Williams also indicated his approval.

ADJOURNMENT

Upon a motion by Chuck Deluca, seconded by Mike Nedder, and a ZBA vote of 5-0, the meeting was adjourned at 9:38 PM.

These Meeting Minutes,
Respectfully submitted February 24, 2015,
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 Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on March 11, 2015. Gary Greene, Vic Capellupo and Mike Nedder voted in favor of the motion.