

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**May 13, 2015**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:45 to 9:40 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood, Ruth Anne Ramsey  
and Mike Nedder

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

**OPENING**

ZBA Chair Chuck Deluca opened the meeting at 7:45 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. 21-2015, the application of Siyu Zhou on behalf of Huang Li, 33 Dickinson Road, has been opened and immediately continued without testimony to June 17, 2015, due to a lack of proper neighbor notification.

Mr. Deluca announced that the Public Hearing of Calendar No. 22-2015, the application of Edisson Acevedo and E and Acevedo's Contractors on behalf of Curtis & Nancy Troeger, 1 Park Place, has been opened and immediately continued without testimony to June 17, 2015, due to a lack of proper neighbor notification.

**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. 16-2015** - the application of Matt & Lucia Zachowski submitted on February 17, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story attached utility closet/shed addition; Section 406:

17.0 in lieu of 25.0 feet minimum required north side yard setback; 18.5 in lieu of 40.0 feet minimum required front yard setback and 38.3 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road. The property is located on the west side of Goodwives River Road approximately 300 feet north of the intersection with Sunswyck Road and is shown on Assessor's Map #49 as Lot #5, being 71 Goodwives River Road and located in an R-1 (residential) Zone.

Surveyor Mark Lebow 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. 19-2015** - the application of Jim & Sharon Schoen submitted on April 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of deck, covered deck, one story and two story additions; Section 406: 10.9 in lieu of 25.0 minimum feet required north rear yard setback and 19.5 in lieu of 25.0 minimum feet required south rear yard setback. The property is located on the south side of Hoyt Court approximately 450 feet west of the intersection with Hoyt Street and is shown on Assessor's Map #30 as Lot #25, being 24 Hoyt Court and located in an R-1/3 (residential) Zone.

Property owners Jim & Sharon Schoen 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. 20-2015** - the application of Chad Nehring, AIA and Nehring & Assoc. Architecture on behalf of Michael & Leila Buckjune submitted on April 14, 2015 for variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the relocation of a propane tank, the construction of one story additions and effectively connecting the detached garage to the principal house structure; Section 334: construction on a portion of the lot with 75.0 in lieu of 100 feet minimum required lot depth; and Section 406: 17.5 in lieu of 25.0 minimum feet required rear yard setback for the propane tank; 10.4 in lieu of 25.0 minimum feet required rear yard setback for the additions; and 5.4 in lieu of 10.0 feet minimum required north side yard setback for effectively connecting the house and garage. The property is located on the east side of Dubois Street approximately 150 feet north of the intersection with Boston Post Road and is shown on Assessor's Map #43 as Lot #94, being 12 Dubois Street and located in an R-1/3 (residential) Zone.

Architect Chad Nehring and property owner Leila Buckjune 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. 23-2015** - the application of Kevin Quinlan, AIA and Kevin Quinlan Architecture LLC on behalf of Daniel & Amy Bradley submitted on April 15, 2015 for variances of Section 331, 402, 406 and/or an interpretation of Section 371 of the Darien Zoning Regulations; to allow the existing residence to remain until the proposed replacement residence is completed and to allow the construction of a rooftop cupola; Section 331: two in lieu of one, maximum main building on one lot; Section 402: two in lieu of one single-family dwelling on its own lot; Section 371: a determination that the proposed 8'-2" x 8'-2" by 8'-0" high roof structure (cupola) is an acceptable architectural feature exempt from the height regulations; or if necessary a variance of Section 406: 35'-11" in lieu of 30'-0" feet maximum average roof height for the roof structure (cupola). The property is located on the north side of Pasture Lane approximately 2,000 feet southeast from the intersection with Nearwater Lane and is shown on Assessor's Map #51 as Lot #66, being 27 Pasture Lane and located in an R-1 (residential) Zone.

Architect Kevin Quinlan 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. 24-2015** - the application of Timothy & Lauren Stisser submitted on April 15 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of covered front porch and second story additions; Section 406: 26.9 in lieu of 40.0 feet minimum required front yard setback and 55.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road for the covered porch; and 28.4 in lieu of 40.0 feet minimum required front yard setback and 56.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road for the second story. The property is situated at the southeast corner of the intersection formed by Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #126, being 334 Hollow Tree Ridge Road and located in an R-1 (Residential) Zone.

Property owner Tim Stisser 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. 16-2015** - The application of Matt & Lucia Zachowski, 71 Goodwives River Road. Upon a motion by Rich Wood, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variances.

**CALENDAR NO. 19-2015** - The application of Jim & Sharon Schoen, 24 Hoyt Court. Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 20-2015** - The application of Chad Nehring, AIA and Nehring & Assoc. Architecture on behalf of Michael & Leila Buckjune, 12 Dubois Street. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 23-2015** - The application of Kevin Quinlan, AIA and Kevin Quinlan Architecture LLC on behalf of Daniel & Amy Bradley, 27 Pasture Lane. Upon a motion by Chuck Deluca, seconded by Rich Wood, the ZBA voted 4-1 to DENY the above requested variances to allow the existing residence to remain during construction of the replacement residence. Those voting in favor were Chuck Deluca, 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 denied.  
AND

Upon a motion by Rich Wood, seconded by Mike Nedder, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances and/or interpretation for the cupola.

**CALENDAR NO. 24-2015** - The application of Timothy & Lauren Stisser, 334 Hollow Tree Ridge Road. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

## **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 ZBA Calendar No. 33-2013, Carol Matton, 47 Old Farm Road.

Upon a motion by Ruth Anne Ramsey, seconded by Mike Nedder, the ZBA voted 5-0 to APPROVE the requested amendment.

Requested three month extension, received April 20, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 49-2014, Warrington Homes, 106 Pear Tree Point Road. The Public Hearing of this matter was October 22, 2014. Initial ZBA approval would have expired on April 30, 2015.

Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT the requested three month extension.

General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

## **ADDITIONAL OTHER BUSINESS**

Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 5-0 to add to the agenda a discussion regarding the project plans for Joseph & Rita Maruszewski, 102 Mansfield Avenue.

## **ADJOURNMENT**

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, and a ZBA vote of 5-0, the meeting was adjourned at 9:40 PM.

These Meeting Minutes,  
Respectfully submitted May 19, 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 Mike Nedder, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on July 22, 2015. Mike Nedder, Vic Capellupo, Chuck Deluca, and Rich Wood voted in favor of the motion. Ruth Anne Ramsey previously indicated her approval.*

ZBA/05.13.2015MtgMin