

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
October 14, 2015

REGULAR MEETING

Darien Town Hall - Room 206 – 7:51 to 9:40 PM

ZBA members present: Gary Greene, Vic Capellupo, Mike Nedder
Ruth Anne Ramsey and Rich Wood departed at 8:05 PM
Chuck Deluca and Kevin Fullington arrived at 8:05 PM

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:51 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF DELIBERATION

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. 41-2015 - the application of William I. Haslun II, Esq. and Johnson, Haslun & Hogeman LLC on behalf of Giovanni's at Water's Edge and PR Partnership LLC submitted on June 19, 2015 for variances of Sections 381-387, 406, and 904 of the Darien Zoning Regulations; to allow the construction of a one story entry canopy addition; and modification of the front dropoff, parking, and landscape areas; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 0.5 in lieu of 30.0 feet minimum required front yard setback; and Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-1 to DENY the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Rich Wood 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.

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. 45-2015 - the application of Tara & Brendan Sobolewski submitted on September 9, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of two story, second story, dormer, bilco door, and covered front porch additions; Section 406: 4.8 in lieu of 15.0 feet minimum required north side yard setback, 10.0 in lieu of 20.2 feet minimum required south side yard setback, and 14.8 in lieu of 25.0 feet minimum required total of two side yards setback for the two story and second story additions; 10.2 in lieu of 15.0 feet minimum required north side yard setback and 16.7 in lieu of 20.2 feet minimum required south side yard setback for the dormer additions; 9.0 in lieu of 15.0 feet minimum required north side yard setback for the bilco door; and 28.9 in lieu of 30.0 feet minimum required front yard setback for the covered porch. The property is situated on the west side of Fitch Avenue approximately 50 feet north of the intersection with Archer Lane and is shown on Assessor's Map #42 as Lot #117, being 25 Fitch Avenue and located in an R-1/3 (residential) Zone.

Property owners Tara and Brandon Sobolewski 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. 46-2015 - the application of William & Victoria Crane submitted on September 15, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one half story detached three-car garage; Section 406: 29.0 in lieu of 40.0 feet minimum required south rear yard setback. The property is situated on the north side of Hollister Lane approximately 330 feet east of the intersection with Old Kings Highway South and is shown on Assessor's Map #63 as Lot #83, being 3 Hollister Lane and located in an R-1 (residential) Zone.

Bill Crane answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Allan Shaw supported the application.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on November 18, 2015.

CALENDAR NO. 47-2015 - the application of Kelly Scallon submitted on September 16, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 9.0 in lieu of 10.0 feet minimum required south side yard setback, 26.5 in lieu of 30.0 feet minimum required front yard setback, and 41.5 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Fitch Avenue. The property is situated on the east side of Fitch Avenue approximately 130 feet north of the intersection with the Boston Post Road and is shown on Assessor's Map #41 as Lot #138, being 94 Fitch Avenue and located in an R-1/3 (residential) Zone.

Property owners Hugh and Kelly Scallon 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. 48-2015 - the application of Michael P. Murry and Ivey, Barnum & O'Mara and John Tavlarios on behalf of William Ferguson & John Tavlarios submitted on September 16, 2015 for a determination under Section 383b of the Darien Zoning Regulations: that the proposed repairs and alterations to the existing residence and to the detached cottage do not exceed 50% of the fair market value of those buildings; and that a variance is not required for the proposed repairs on a property with a nonconforming two residence use; or in the alternative a variance of the 50% limitation. The property is located on the west side of Noroton Avenue approximately 120 feet south of the intersection with Maple Street and is shown on Assessor's Map #43 and Lot #41, being 91 Noroton Avnue and located in an R-1/5 (residential) Zone.

Attorney Mike Murray and property owner John Tavlarios 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. 49-2015 - the application of Lance E. Zimmerman, AIA and Zimmerman Architecture on behalf of David & Michelle Donahue submitted on September 16, 2015 for variances of Section 406 of the Darien Zoning Regulations; to

allow the construction of second story and two story additions; Section 406: 28.0 in lieu of 30.0 feet minimum required front yard setback and 43.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Catalpa Terrace. The property is located on the southeast corner of the intersection formed by Catalpa Terrace and Boston Post Road and is shown on Assessor's Map #54 as Lots #6&7, being 12 Catalpa Terrace 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.

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. 45-2015 - The application of Tara & Brendan Sobolewski, 25 Fitch Avenue. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 4-1 to DENY the above delineated, requested variances. Those voting in favor of the motion were Chuck Deluca, Gary Greene, Vic Capellupo and Kevin Fullington. 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.

CALENDAR NO. 47-2015 - The application of Kelly Scallon, 94 Fitch Avenue. Upon a motion by Kevin Fullington, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 48-2015 - The application of Michael P. Murry and Ivey, Barnum & O'Mara and John Tavlarios on behalf of William Ferguson & John Tavlarios, 91 Noroton Avenue. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 5-0 to DENY the above delineated, requested determination.

CALENDAR NO. 49-2015 - The application of Lance E. Zimmerman, AIA and Zimmerman Architecture on behalf of David & Michelle Donahue, 12 Catalpa Terrace. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT 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 six month extension, received September 22, 2015, to obtain all required permits and begin on-site parking construction for ZBA Calendar No. 43-2014, Julie & Jack Hekker, 85 Goodwives River Road. House addition construction has begun, however the integral parking improvement has not. The Public Hearing of this matter was October 15, 2014. Initial ZBA approval would have expired on April 24, 2015. Following an April 1, 2015 request, on April 8, 2015 the ZBA granted a six month extension to October 24, 2015.

Upon a motion by Mike Nedder, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH CONDITIONS the requested six month extension.

Requested clarification and amendment, received October 8, 2015, to the stipulations of ZBA Calendar No. 26-2015, Tucker & Meredith Martin, 89 Leroy Avenue. ZBA staff recommended the appointment of a subcommittee to look into this matter further. The ZBA members who handled this decision on May 20th were Gary Greene, Jeff Williams, Mike Nedder, Vic Capellupo, and Kevin Fullington.

Gary Greene and Mike Nedder agreed to work with Staff on the clarifications.

Discussion of September 29, 2015 Planning and Zoning Commission public hearing of recommended Zoning Regulation changes.

It was noted that the Planning & Zoning Commission hearing was postponed to October 20, 2015. ZBA members will attend that meeting.

Discussion of Verrillo v. Branford ZBA Appellate Court decision, 347 Humphrey Street v. New Haven ZBA, and Variance Checklist provide by Town Counsel.

The ZBA briefly discussed the decision and checklist. It was determined that more guidance from Town Counsel may be needed.

ADJOURNMENT

The meeting was adjourned at 9:40 PM.

These Meeting Minutes,
Respectfully submitted October 15, 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 Jeff Williams, approved by a vote of 4-0 at the ZBA meeting on January 20, 2016. Mike Nedder, Jeff Williams, Vic Capellupo and Kevin Fullington voted in favor of the motion. Chuck Deluca previously indicated his approval.

ZBA/10.14.2015MtgMin