

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
March 20, 2013

REGULAR MEETING

Darien Town Hall - Room 206 - 8:12 to 10:18 PM

ZBA members present: Gary Greene, Vic Capellupo, Jeff Williams, John Ashburne
and Stephen Olvany

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

OPENING

ZBA Chair Gary Greene opened the meeting at 8:12 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. Greene announced that the Public Hearing of Calendar No. 12-2013, the application of Wilder G. Gleason, Esq and Gleason & Associates LLC on behalf of ASL Partners LLC, 203 Long Neck Point Road, is opened and immediately continued without testimony to April 10, 2013, at the applicant's request.

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. 10-2013 - the application of Mark S. Lebow and William W. Seymour & Assoc. on behalf of John & Michelle Sini filed on February 13, 2013 for variances of Sections 406, 906.3, 226 and 227 of the Darien Zoning Regulations, to allow the construction of an enlarged replacement two-story garage with living space above, AC equipment and parking; Section 406: 17.5 in lieu of 40.0 feet minimum required front yard setback and 42.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Point O' Woods Road for the structure; 35.5 in lieu of 40.0 feet minimum required Point O' Woods Road front yard setback for the AC equipment; Sections 906.3, 226 and 227: development of one required off-street parking space within the required 40' Point O' Woods Road and/or Birch Road front yard setback spaces

without the required 24' onsite backup space; and development of one required off-street parking space in a garage within the required 40' Point O' Woods Road front yard setback space and 16' in lieu of the minimum required 20.0' depth and having 17.5' in lieu of 24' required onsite backup space. The property is situated on the east side of Birch Road on the southeast corner of the intersection of Birch Road and Point O' Woods Road and is shown on Assessor's Map #13 as Lot #32, being 36 Birch Road and located in the R-1 (residential) Zone.

Surveyor Mark Lebow and property owners John and Michelle Sini 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. 11-2013 - the application of Victoria Trepp filed on February 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator; Section 406: 1.5 in lieu of 40.0 feet minimum required rear yard setback. The property in an interior lot situated on the west side of Driftway Lane approximately 750 feet north of the intersection of Driftway Lane and Old Farm Road and is shown on Assessor's Map #66 as Lot #125, being 28 Driftway Lane and located in the R-1 (residential) Zone.

Victoria and Steven Trepp answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Spencer McIlmurray questioned various aspects of 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 April 10, 2013.

CALENDAR NO. 13-2013 - the application of Richard Vail, R.A. and Faesy-Smith Architects PC on behalf of Mary and Mark Radin filed on February 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations, to allow the re-construction of an existing covered porch/portico and the construction of a second and attic floor addition; Section 406: 28.0 in lieu of 40.0 feet minimum required front yard setback for the portico, and 34.7 in lieu of 40.0 feet minimum required front yard setback for the addition. The property is situated on the east side of Hollow Tree Ridge Road approximately 170 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #121, being 350 Hollow Tree Ridge Road and located in an R-1 (residential) Zone.

Architects Tom Smith and Rich Vail 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. 14-2013 - the application of John J. Ryan, Esq. and Russo & Associates, LLC and Lucien Vita Design on behalf of Ron & Grace Kehle filed on February 13, 2013 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the construction of a replacement 2 story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 24,435 in lieu of 43,560 square feet minimum required lot size and 101.0 in lieu of 150.0 feet minimum required lot width and 118.0 in lieu of 150.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 101.0 in lieu of 150.0 feet minimum required lot width and 118.0 in lieu of 150.0 feet minimum required lot depth. The property is situated on the east side of the cul-de-sac of Cedar Gate Road approximately 600 feet south of the intersection of Wild Rose Lane and Cedar Gate Road and is shown on Assessor's Map #64 as Lot #70, being 64 Cedar Gate Road and located in an R-1 (residential) Zone.

Attorney John Ryan and Architect Gary Chase answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Kathy Jarrett and Rich Jarrett questioned and objected to various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 15-2013 - the application of Ashley and Matt Cole filed on February 13, 2013 for an amendment to the approved plans of Calendar No. 5-2012 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one half story residence with an attached two car garage and HVAC equipment; Section 334: construction with adequate related site improvements on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Chestnut Street approximately 230 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #55, to be known as 23 Chestnut Street and located in an R-1/3 (residential) Zone.

Ashley Cole answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Andy Gale objected to and questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 16-2013 - the application of Penny Glassmeyer on behalf of Searles Road Properties LLC filed on February 13, 2013 for variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the installation of a replacement generator; Section 334: installation of equipment on a portion of the lot with 99.0 in lieu of 150.0 minimum feet required lot depth; and Section 406: 58.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Searles Road, and 20.5% in lieu of 20.0% maximum allowable building coverage. The property is located on the west side of Searles

Road approximately 400 feet south of the intersection of Cross Road and Searles Road and located opposite the north intersection of Edgehill Drive and Searles Road and is shown on Assessor's Map #67 as Lot #86, being 26 Searles Road and located in the R-1 (residential) Zone.

Penny Glassmeyer 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. 10-2013 - The application of Mark S. Lebow and William W. Seymour & Assoc. on behalf of John & Michelle Sini, 36 Birch Road. Upon a motion by Stephen Olvany, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 13-2013 - The application of Richard Vail, R.A. and Faesy-Smith Architects PC on behalf of Mary and Mark Radin, 350 Hollow Tree Ridge Road. Upon a motion by John Ashburne, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 14-2013 - The application of John J. Ryan, Esq. and Russo & Associates, LLC and Lucien Vita Design on behalf of Ron & Grace Kehle, 64 Cedar Gate Road. Upon a motion by Stephen Olvany, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances.

CALENDAR NO. 15-2013 - The application of Ashley and Matt Cole, 23 Chestnut Street. Upon a motion by Jeff Williams, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested amendment and variance.

CALENDAR NO. 16-2013 - The application of Penny Glassmeyer on behalf of Searles Road Properties LLC, 26 Searles Road. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested amendment and variance.

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 Calendar No. 6 – 2012 (the former Aquarion application), Gabriela Mocanu & Hassan Shakir, 27 Chestnut Street.

The Board members discussed the proposed amendment to the previously approved plans and determined a formal public hearing will be needed to fully consider the changes and provide neighbors with an opportunity to comment upon them.

Approval of Minutes of meeting on January 23, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.

This matter was tabled until the next scheduled ZBA meeting on April 10, 2013.

Review of Summary Minutes preparation, and possible approval procedure adjustments.

ZBA staff explained that questions have been raised about the procedures necessary to properly comply with the Freedom of Information Act. No formal action was taken on this matter.

Review of Executive Session procedures.

ZBA staff explained that questions have been raised about the procedures necessary to properly comply with the Freedom of Information Act. No formal action was taken on this matter.

ADJOURNMENT

The meeting was adjourned at 10:18 PM.

These Meeting Minutes,
Respectfully submitted March 21, 2013,
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 Jeff Williams, seconded by Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on May 15, 2013. Jeff Williams, Vic Capellupo and John Ashburne voted in favor of the motion.