

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
May 22, 2013

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 10:18 PM

ZBA members present: Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams,
Ruth Anne Ramsey and John Ashburne

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:48 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING

The following hearings were continued from the May 15, 2013 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. 25-2013 - the application of Richard & Karyn Conway filed on April 15, 2013 for variances of Sections 406, 904 and 906.3 of the Darien Zoning Regulations; to allow the construction of one and one half, and second story additions and alterations to parking; Section 406: 6.3 in lieu of 12.0 feet minimum required north side yard setback, 16.3 in lieu of 25.0 feet minimum required total side yards setback; and Sections 904 and 906.3: reduction to currently nonconforming parking area. The property is situated on the west side of Fitch Avenue approximately 300 feet south of the intersection of Dickinson Road and Fitch Avenue, found on Assessor's Map #42 as Lot #16, being 77 Fitch Avenue and located in the R-1/3 (residential) Zone.

Rich Conway 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. 27-2013 - the application of Penny Glassmeyer and Baywater Properties on behalf of Baywater 745BPR, LLC filed on April 16, 2013 for variances of Section 924 of the Darien Zoning Regulations; to allow the installation of a monument sign; Section 924: installation of a monument sign where none is permitted, in lieu of a hanging sign, and 16.6 in lieu of 6.0 square feet maximum allowable sign area utilizing the hanging sign standards. The subject property is on the northwest corner formed by the intersection of Academy Street and Boston Post Road and is shown on Assessor's Map #16 as Lots #15 and #16, being 745 Boston Post Road and located in the DB-1 (commercial) and R-1/3 (residential) Zones with a DBR (Designed Business and Residential) Zoning Overlay.

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.

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. 32-2013 - the application of Penny Glassmeyer on behalf of Searles Road Properties LLC filed on April 24, 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 137.0 in lieu of 150.0 minimum feet required lot depth; and Section 406: 6.0 in lieu of 25.0 feet minimum required side yard setback, 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.

CALENDAR NO. 26-2013 - the application of Edmund & Rosanne Fitzmaurice filed on April 16, 2013 for an amendment to the approved plans of Calendar No. 9-2011 and a variance of Section 406 of the Darien Zoning Regulations; to allow the previously constructed additions to remain; Section 406: 20.45% in lieu of 20.0% maximum allowable building coverage. The property is situated on the southwest corner formed

by the intersection of Clock Avenue and Dickinson Road and is shown on Assessor's Map #42 as Lot #37, being 2 Clock Avenue and located in an R-1/3 (residential) Zone.

Ed and Rosanne Fitzmaurice, Builder Bob Calve and Architect Jacek Bigosinski 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. 28-2013 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Carolyn Taylor filed on April 17, 2013 for a variance of Sections 380 and 382 of the Darien Zoning Regulations; to allow the installation of an in-ground pool, spa and related pool equipment; Section 382: extension of non-conforming, two family use to occupy an additional 4,500 +/- square feet on the lot. The property is situated on the west side of Rings End Road approximately 60 feet north of the northerly intersection formed by Rings End Road and Harbor Road and is shown on Assessor's Map #51 as Lot #29A, being 30 Rings End Road and located in an R-1/2 (residential) Zone.

Attorney Wilder Gleason 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. 29-2013 - the application of Steven Keedle on behalf of Robert and Carolyn Komminsk filed on April 24, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of one story, two story and second additions; Section 406: 7.5 in lieu of 15.8 feet minimum required side yard setback and 16.7 in lieu of 25.0 minimum required total of two side yard setbacks. The property is situated on the east side of Noroton Avenue approximately 130 feet south of the intersection of Clock Avenue and Noroton Avenue and found on Assessor's Map #42 as Lot #155, being 26 Noroton Avenue and located in an R-1/3 (residential) Zone.

Architect Steve Keedle 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. 30-2013 - the application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe filed on April 17, 2013 for an amendment to the approved plans of Calendar No. 53-2011 and a variance of Section 406 of the Darien Zoning Regulations; to allow the enclosure of the covered front porch and the addition of an entry roof cover; Section 406: 10.3 in lieu of 25.0 feet minimum required front yard

setback and 27.9 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street. The property is situated on the east side of Raymond Street approximately 500 feet north of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #101, being 26 Raymond Street and located in an R-1/5 (residential) Zone.

Jacek Bigosinski and Ian Crowe 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. 25-2013 - The application of Richard & Karyn Conway, 77 Fitch Avenue. Upon a motion by Gary Greene, 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 Gary Greene, Jeff Williams, Vic Capellupo and John Ashburne. Rich Wood was opposed to the motion.

CALENDAR NO. 27-2013 - The application of Penny Glassmeyer and Baywater Properties on behalf of Baywater 745BPR, LLC, 745 Boston Post Road. Upon a motion by Jeff Williams, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 32-2013 - The application of Penny Glassmeyer on behalf of Searles Road Properties LLC, 26 Searles Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested variances.

CALENDAR NO. 26-2013 - The application of Edmund & Rosanne Fitzmaurice, 2 Clock Avenue. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART the above delineated, requested amendment and variance.

CALENDAR NO. 28-2013 - The application of Carolyn Taylor, 30 Rings End Road. 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. 29-2013 - The application of Steven Keedle on behalf of Robert and Carolyn Komminsk, 26 Noroton Avenue. Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 5-0 to DENY the above delineated, requested variances

CALENDAR NO. 30-2013 - The application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian, 26 Raymond Street. Upon a motion by Jeff Williams, seconded by Vic Capellupo, 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. 16-2009, Michael Ervin, 13 Edgerton Street.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 6-0 to APPROVE the requested amendment.

Approval of Minutes of hearing on January 16, 2012 regarding the application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto, to allow the construction of two residences, 000 Raymond Street. In order to allow the applicant an opportunity to provide answers to questions, the hearing was repeatedly continued to subsequent meetings. However the applicant was unable to answer the questions at that time and eventually withdrew the application. Therefore no additional hearing testimony was provided and no deliberation of the matter occurred. ZBA members attending this hearing were Gary Greene, Vic Capellupo, Jeff Williams, Stephen Olvany and Rich Wood. John Ashburne watched the DVD of the January 16, 2013 public hearing in order to be able to sit in for future hearings.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes.

ADDITIONAL OTHER BUSINESS

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 6-0 to add to the agenda the following requests:

Requested two month extension, received May 22, 2013, to obtain all required permits and begin on-site construction for ZBA Calendar No. 57-2010, 205 Post Road Development Partners LLC, 205 Boston Post Road.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 6-0 to DENY the requested extension.

Paul F. Darrah & Amy J. Darrah, 11 Peabody Lane, Calendar No. 55-2011, status of ZBA approved construction.

ZBA staff briefly reviewed a potential problem which will be further investigated prior to possible future ZBA action.

ADJOURNMENT

The meeting was adjourned at 10:18 PM.

These Meeting Minutes,
Respectfully submitted May 24, 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 Gary Greene, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on July 17, 2013. Gary Greene, Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.