

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
January 18, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:47 to 9:41 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams and John Ashburne

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION

Gary Greene announced that the Public Hearing of Calendar No. 50-2011, the application of Alan H. Kaufman on behalf of Scott/Rosemarie Reardon regarding property of James/Janeen Eckert, 165 Long Neck Point Road, is opened and immediately continued without testimony to March 14, 2012, 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. 51-2011 - The application of Fritz L. Schweitzer, Jr. filed on November 16, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator and larger propane tanks; Section 406: 31.0 in lieu of 40.0 feet minimum required front yard setback and 41.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Five Mile River Road for the generator; and 14.2 in lieu of 40.0 feet minimum required front yard setback and 24.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Five Mile River Road for the propane tanks. The property is situated on the east side of Five Mile River Road approximately 1200 feet south of the intersection of Davis Lane and Five Mile River Road and is shown on Assessor's Map #67 as Lots #6&7, being 139 Five Mile River Road and located in an R-1/2 (residential) Zone.

Fritz Schweitzer, Jr. 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. 54-2011 - The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of Steven K. & Lisa B. Eppley filed on December 21, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a spa and pool with equipment and the reconstruction and enlargement to a two story residence with a bilco door and generator; Section 406: 34.0 in lieu of 40.0 feet minimum required rear yard setback for the pool; 14.5 in lieu of 40.0 feet minimum required rear yard setback for the pool equipment; and 18.5 in lieu of 40.0 feet minimum required rear yard setback for the residence. The property is situated on the west side of Contentment Island Road approximately 250 feet south of the intersection of Tokeneke Beach Drive and Contentment Island Road and is shown on Assessor's Map #67 as Lot #64, being 6 Contentment Island Road and located in an R-1 (residential) Zone.

Surveyor Jeff McDougal 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. 55-2011 - The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on December 21, 2011 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement to a two story residence with a pool, pool equipment, and covered patio features; Section 334: construction on a portion of the lot with 106.2 in lieu of 150.0 feet minimum required lot width and less than 150.0 feet minimum required square; Section 406: 4.4 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; 24.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the residence; 31.5 in lieu of 40.0 feet minimum required north rear yard setback for the residence; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the pool; 26.6 in lieu of 40.0 feet minimum required north rear yard setback for the covered patio and pool equipment; and a finding that the 44.5 in lieu of 50.0 feet minimum required frontage is legally nonconforming. The property is an interior lot accessed from the east side of the Peabody Lane cul de sac approximately 1000 feet northeast of the intersection of Salem Straits and Peabody Lane and is shown on Assessor's Map #62 as Lot #60, being 11 Peabody Lane, also known as 66 Salem Straits and located in an R-1 (residential) Zone.

Attorney Wilder Gleason, Builder Bo Malpass and Paul Darrah answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Amy Zabetakis, representing neighbor Patricia Rodgers, objected to and questioned various aspects of the application. The ZBA determined that clarification of the project plans was necessary. The Public Hearing was then continued to the next ZBA meeting on February 15, 2012.

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. 51-2011 – The application of Fritz L. Schweitzer, Jr., 139 Five Mile River Road. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams and John Ashburne voted in favor of the motion.

CALENDAR NO. 54-2011 – The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of Steven K. & Lisa B. Eppley, 6 Contentment Island Road. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams and John Ashburne voted in favor of the motion.

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 previously approved plans (now expired) of Calendar No. 20-2006, to allow restoration of a nonconforming cottage, Mario Lombardi, 72-74 Old Kings Highway South. Mario Lombardi explained the request. The ZBA determined that a new project application and Public Hearing will be necessary to properly consider the request.

Approval of Minutes of meeting on November 30, 2011. ZBA members attending that meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 3-0

to APPROVE the subject minutes. Gary Greene, Jeff Williams and Vic Capellupo voted in favor of the motion. Ruth Anne Ramsey and Rich Wood previously indicated their approval.

ZBA staff updated the ZBA on the status of multifamily compliance with the terms of Calendar No. 17-1995, David and Elizabeth Wenger, 47-49 Hollow Tree Ridge Road.

ADDITIONAL OTHER BUSINESS

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to add to the agenda the following extension request from Holly Drake:

Requested extension, received January 18, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 32-2011, Holly Drake, 9 Tanglewood Trail.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT a six month extension.

ADJOURNMENT

Chairman Gary Greene declared the meeting adjourned at 9:41 PM.

These Meeting Minutes,
Respectfully submitted February 8, 2012
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the seated ZBA members, and upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 3-0 to APPROVE the subject minutes at the ZBA meeting on February 15, 2012. Vic Capellupo, Gary Green and Jeff Williams voted in favor of the motion. Chuck Deluca and John Ashburne previously indicated their approval.