

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
April 11, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:45 to 9:29 PM

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

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

OPENING

ZBA Acting-Chair Vic Capellupo 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.

CONTINUATIONS

Mr. Capellupo announced that the Public Hearing of Calendar No. 52-2011, the application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims, 1416 Boston Post Road, is postponed to May 16, 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. 16-2012 - the application of Susan M. Swiatek on behalf of Town of Darien Parks & Recreation and Darien Little League filed on March 14, 2012 for a variance of Section 362 of the Darien Zoning Regulations, to allow the installation of replacement ballfield fencing; Section 362: 6', 8', and 20' in lieu of 4.0 feet maximum allowable fence height within the Brookside Road front yard setback space and within the 25' north side yard setback space. The ballfield portion of the property is situated on the east side of Brookside Road

approximately 400 feet south of the intersection of Hamilton Lane and Brookside Road and is shown on Assessor's Map #11 as Lot #31, being 120 Brookside Road and located in an R-1 (residential) Zone.

Susan Swiatek, Director of Parks & Recreation Department, answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Tony Farrin questioned an aspect of the application. The Public Hearing was then closed.

CALENDAR NO. 53-2011 - the application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe filed on December 21, 2011 for variances of Sections 406, 906.3a and 226 of the Darien Zoning Regulations, to allow the construction of a replacement two story residence with a covered front porch, parking and AC equipment, propane and/or generator equipment; Section 406: 16.7 in lieu of 25.0 feet minimum required front yard setback and 34.3 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the residence; 13.7 in lieu of 25.0 feet minimum required front yard setback and 31.2 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the front porch; 22.0 in lieu of 25.0 feet minimum required front yard setback and 38.3 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the equipment; Section 906.3a: 0 in lieu of 2 conforming parking spaces; and Section 226: 16.9 in lieu of 24.0 feet minimum required parking backup space. 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 of PB Architects 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.

CALENDAR NO. 12-2012 - the application of Philip De Terlizzi filed on March 14, 2012 for a variance of Section 334 of the Darien Zoning Regulations, to allow the renovation of the existing house and the construction of second story and two and one-half story additions; Section 334: construction on a portion of the lot with 71 in lieu of 100 feet minimum required lot width. The property is situated on the south side of Old Kings Highway South approximately 350 feet east of the intersection of Waring Lane and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #78, being 87 Old Kings Highway South and located in an R-1/2 (residential) Zone.

Philip De Terlizzi 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. 13-2012 – the application of Chad Nehring, AIA on behalf of Gavin & Melissa Baiera filed on March 14, 2012 for an amendment to the approved plans of Calendar No. 43-2004, to allow the alteration of 2 first floor spaces, the construction of a second floor roof deck, and removal of Stipulation #1 of the 2004 ZBA decision in order to allow a former storage area to continue to be used for living space. The property is an interior lot situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor’s Map #57 as Lot #43, being 26 Shipway Road (formerly the property of Janice A. Mahaney) and located in an R-1 (residential) Zone.

Attorney Bruce Hill, Architect Chad Nehring and Gavin Baiera 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. 14-2012 – the application of Holly Giordano filed on March 14, 2012 for a variance of Section 362 of the Darien Zoning Regulations, to allow the installation of a six foot high fence; Section 362: 6’ in lieu of 4.0 feet maximum allowable fence height within the Top O Hill Road front yard setback space. The property is a through lot situated on the south side of the Leeuwarden Lane cul de sac and on the north side of the Top O Hill Road cul de sac (where the fence is proposed) and is shown on Assessor’s Map #29 as Lot #105, being 17 Leeuwarden Lane and located in an R-1 (residential) Zone.

Holly Giordano answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Cliff Van Vorhees commented in regards to an aspect of the application. 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. 16-2012 - The application of Susan M. Swiatek on behalf of Town of Darien Parks & Recreation and Darien Little League, 120 Brookside Road. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Al Tibbetts, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.

CALENDAR NO. 53-2011 - The application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe, 24 Raymond Street. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Al Tibbetts, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.

CALENDAR NO. 12-2012 - The application of Philip De Terlizzi, 87 Old Kings Highway South. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Vic Capellupo, Jeff Williams, Ruth Anne Ramsey, Rich Wood and John Ashburne voted in favor of the motion.

CALENDAR NO. 13-2012 - The application of Chad Nehring, AIA on behalf of Gavin & Melissa Baiera, 26 Shipway Road. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested amendment. Vic Capellupo, Jeff Williams, Ruth Anne Ramsey, Rich Wood and Al Tibbetts voted in favor of the motion.

CALENDAR NO. 14-2012 - The application of Holly Giordano, 17 Leeuwarden Lane. Upon a motion by Jeff Williams, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to DENY the above delineated, requested variance. Those voting in favor were Jeff Williams, Ruth Anne Ramsey, Vic Capellupo and Al Tibbetts. Opposed to the motion was Rich Wood. 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.

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. 8-2012, property of Kathleen Willcox, 117 West Avenue. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the requested amendment.

ZBA Staff updated the ZBA on the status of the exterior lighting relative to a stipulation of Calendar No. 2-2012, Anthony's Coal Fired Pizza, 319 Boston Post Road.

Approval of Minutes of meeting on March 14, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the subject minutes. Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion. Gary Greene and Chuck Deluca previously indicated their approval.

ADJOURNMENT

Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 4-0, the meeting was adjourned at 9:29 PM.

These Meeting Minutes,
Respectfully submitted April 20, 2012,
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 Vic Capellupo, seconded by Al Tibbetts, approved 3-0 at the ZBA meeting on May 16, 2012. Vic Capellupo, Al Tibbetts and Rich Wood voted in favor of the motion. Ruth Anne Ramsey, John Ashburne and Jeff Williams previously indicated their approval.