

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
June 20, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:45 to 9:20PM

ZBA members present: Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams
and Ruth Anne Ramsey

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:45PM. 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. 29-2012, the application of Gleason & Associates LLC on behalf of Shawn P. Burke and Vivianne F. Burke, William J. Nelson and Gillian Nelson, and David M. Sinclair, 123 Five Mile River Road, is opened and continued to July 18, 2012, at the applicant's request.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the May 16, 2012 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. 23-2012 - the application of Scott Church on behalf of LTB Properties, LLC filed on April 25, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with

17,426 in lieu of 21,780 square feet minimum required lot size and 85.0 in lieu of 100.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 85.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the north side of Middlesex Road approximately 50 feet west of the intersection of Noroton Avenue and Middlesex Road and is shown on Assessor's Map #9 as Lot #15, being 207 Middlesex Road and located in an R-1/2 (residential) Zone.

Scott Church answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Jackie Mossa questioned various aspects of the application. 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. 22-2012 - the application of Robert F. Maslan, Jr. Esq. on behalf of Peter Max Jellinek and Suzie Lewis Finlay Jellinek filed on April 25, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; and if necessary a variance of Section 406 and/or an interpretation of Section 371 of the Darien Zoning Regulations to allow the construction of two rooftop cupolas. The property is situated on the east side of Nearwater Lane and the west side of a common driveway located approximately 700 feet north of the intersection of Juniper Road and Nearwater Lane and is shown on Assessor's Map #57 as Lot #5, being 110 Nearwater Lane and located in an R-1 (residential) Zone.

Dave Keating, Zoning Enforcement Officer, reviewed submitted materials and his determination relative to this matter. Attorney Bob Maslan and Architect Colin Grothier 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. 27-2012 - the application of Dinyar Wadia, Wadia Associates on behalf of Estate of Mary K. Ewing and contract purchaser Alex Magaro filed on May 23, 2012 for a variance of Section 406 of the Darien Zoning Regulations,

to allow the construction of a two and one-half story residence with ridge, cupola, dormer, tower and upper eave features; Section 406: 38.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 1000 feet south of the intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #9, being 203 Long Neck Point Road and located in an R-1 (residential) Zone.

Dinyar Wadia answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Mark Cohen questioned and supported 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 July 18, 2012.

CALENDAR NO. 28-2012 - the application of Law Office of Bruce Hill, LLC on behalf of Gavin and Melissa Baiera filed on May 23, 2012 for an amendment to the approved plans of Calendar No. 43-2004 and variances of Section 406 of the Darien Zoning Regulations, to allow the conversion of an existing breezeway to an enclosed mudroom, the redesign of the front entrance, the construction of new exterior stairs, and the construction of an outdoor shower; Section 406: 32.0 in lieu of 40.0 feet minimum required east rear yard setback and 28.0 in lieu of 40.0 feet minimum required east rear yard setback. The property is an interior lot accessed from a driveway 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 and located in an R-1 (residential) Zone.

Attorney Bruce Hill and Architect Chad Nehring 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. 23-2012 - The application of Scott Church on behalf of LTB Properties, LLC, 207 Middlesex Road. Upon a motion by Al Tibbetts, seconded by Vic Cappellupo, the ZBA voted 4-0-1 to GRANT WITH STIPULATIONS the above delineated, requested variance. Those voting in favor of the motion were Gary Greene, Al Tibbetts, Ruth Anne Ramsey and Vic Capellupo. Jeff Williams abstained from voting. 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 granted with stipulations.

CALENDAR NO. 22-2012 - The application of Robert F. Maslan, Jr. Esq. on behalf of Peter Max Jellinek and Suzie Lewis Finlay Jellinek, 110 Nearwater Lane. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-1 to DENY the requested appeal and determination. Those voting in favor were Gary Greene, Vic Capellupo, Ruth Anne Ramsey and Jeff Williams. Al Tibbetts voted in opposition. Upon a separate motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to DENY any variance for the proposal. Those voting in favor were Gary Greene, Vic Capellupo, Ruth Anne Ramsey, Jeff Williams, and Al Tibbetts.

CALENDAR NO. 28-2012 - The application of Law Office of Bruce Hill, LLC on behalf of Gavin and 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 and variance. Those voting in favor were Gary Greene, Vic Capellupo, Ruth Anne Ramsey and Jeff Williams. Al Tibbetts

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, Kathleen Willcox, 117 West Avenue. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to APPROVE the amended plans.

Requested eight to twelve month extension, received June 13, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 38-2010, William Raveis Real Estate, 22 Old Kings Highway South. The Public Hearing of this matter was June 16, 2010. Following previous requests, on December 15, 2010 and November 16, 2011, the ZBA granted extensions allowing this project to be initiated until June 24, 2012. Upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT A TWELVE MONTH EXTENSION.

Election of Officers by regular members - POSTPONED.

Adoption of 2013 Meeting Schedule - POSTPONED.

Approval of Minutes of meeting on April 25, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Vic Capellupo, Gary Greene, Al Tibbetts and Jeff Williams voted in favor of the motion. Chuck Deluca and John Ashburne previously indicated their approval.

Approval of Minutes of meeting on May 16, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and Rich Wood. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Vic Capellupo, Gary Greene, Al Tibbetts, and Jeff Williams voted in favor of the motion. Chuck Deluca and Rich Wood previously indicated their approval.

ADJOURNMENT

Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 9:20PM.

These Meeting Minutes,
Respectfully submitted June 29, 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 Al Tibbetts, seconded by Vic Capellupo, approved by a vote of 5-0 at the ZBA meeting on September 12, 2012. Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and Ruth Anne Ramsey voted in favor of the motion.