

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
September 12, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:50 to 10:20 PM

ZBA members present: Gary Greene, Vic Capellupo, Al Tibbetts, 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 7:50 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 hearing was continued from the July 18, 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. The testimony provided was heard concurrently for this application as well as the subsequently identified CALENDAR NO. 35-2012 application, regarding the same property and the same basic issue.

CALENDAR NO. 31-2012 - the application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, filed on June 20, 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 regarding possible damages to the 362 Hollow Tree Ridge Road property relative to a ZBA stipulation in Calendar No. 39-2009. The subject property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

Dave Keating, Zoning Enforcement Officer, and Eric Simonson answered various questions and explained the appeal as described in the application materials. Attorney

Amy Zabetakis objected to 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.

The testimony provided for CALENDAR NO. 35-2012 was heard concurrently for this application as well as the previously identified CALENDAR NO. 31-2012 application, regarding the same property and the same basic issue.

CALENDAR NO. 35-2012 - the application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, filed on July 27, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or issuance of the Certificate of Zoning Compliance by the Zoning Enforcement Officer, which was issued with the Certificate of Occupancy. The subject property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

Dave Keating, Zoning Enforcement Officer, and Eric Simonson answered various questions and explained the appeal as described in the application materials. Attorney Amy Zabetakis objected to various aspects of the application. The Public Hearing was then closed.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the July 25, 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. 34-2012 - the application of Jeana & Kevin Roche filed on June 27, 2012 for variances of Sections 406 and 334 of the Darien Zoning Regulations, to allow the installation of an AC compressor and a propane tank; Section 406: 24.8 in lieu of 20.0 feet maximum allowable coverage; and Section 334: installation of structure features on a building lot with 76.0 in lieu of 100.0 feet minimum required lot depth. The property

is situated on the south side of Oak Crest approximately 200 feet east of the intersection of Mansfield Avenue and Oak Crest and is shown on Assessor's Map #15 as Lot #110, being 4 Oak Crest and located in an R-1/2 (residential) Zone.

Kevin Roche 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. 30-2012 - the application of Consulting and Design on behalf of Drake Petroleum dba Exxon filed on June 20, 2012 for variances of Section 926 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 926: 12 in lieu of 10" maximum (E, O, and N) letters height, 19 5/16 in lieu of 10" maximum (XX) figure height, 24.982 in lieu of 5.83 maximum allowable total square footage, 2 in lieu of 1 maximum allowable wall sign, and internal sign illumination where that is not permitted. The property is situated on the southeast side of Boston Post Road at the corner formed by the intersection of Thorndal Circle and Boston Post Road and is shown on Assessor's Map #63 as Lots #11, 12, & 13, being 1358 Boston Post Road and located in an SB (commercial) Zone.

Ron Fortune, agent for Drake Petroleum, and Ken Kronberg, Station Operator, 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. 36-2012 - the application of contract purchaser David and Julie Gorski on behalf of owner Axel E. Ohrn Revocable Trust filed on August 15, 2012 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 two and one half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,019 in lieu of 14,520 square feet minimum required lot size and 60.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 60.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Pleasant Street approximately 200 feet east of the intersection of Pleasant Street and Gardiner Street and is shown on Assessor's Map #45 as Lot #120, being 7 Pleasant Street and located in an R-1/3 (residential) Zone.

David Gorski and Julie Gorski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Greg Right supported the application. Maria Bliss, of Gardiner Street, questioned 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. 31-2012 - The application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, 364 Hollow Tree Ridge Road. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to DENY the above delineated, requested appeal.

CALENDAR NO. 35-2012 - The application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, 364 Hollow Tree Ridge Road. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to DENY the above delineated, requested appeal.

CALENDAR NO. 34-2012 - The application of Jeana & Kevin Roche, 4 Oak Crest. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 30-2012 - The application of Consulting and Design on behalf of Drake Petroleum dba Exxon, 1358 Boston Post Road. Upon a motion by Jeff Williams, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 36-2012 - The application of contract purchaser David and Julie Gorski on behalf of owner Axel E. Ohrn Revocable Trust, 7 Pleasant Street. Upon a motion by Jeff Williams, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH A STIPULATIONS the above delineated, requested variances and interpretation.

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. 33-2012, Anton Tinaj, 114 Hecker Avenue. This item was postponed to the next scheduled meeting on September 19, 2012.

Approval of 2013 Meeting Schedule. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 6-0 to APPROVE the proposed meeting schedule.

Approval of Minutes of meeting on June 20, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and Ruth Anne Ramsey. Upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes.

ADJOURNMENT

The meeting was adjourned at 10:20 PM.

These Meeting Minutes,
Respectfully submitted September 17, 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 Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the minutes at the ZBA meeting on November 14, 2012. Chuck Deluca, Jeff Williams, John Ashburne, Rich Wood and Vic Capellupo voted in favor of the motion.