

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
October 17, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:45 to 9:42 PM

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

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

OPENING

ZBA Chair Gary Greene 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.

POSTPONEMENTS AND CONTINUATIONS

Mr. Greene announced that the Public Hearing of Calendar No. 45-2012, the application of Kathleen and Hugh Golden, 22 Sunset Road, is opened and continued to November 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. 43-2012 - the application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin & Melissa Baiera filed on September 19, 2012 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of a swimming pool with a raised patio and equipment; Section 334: construction and installation of structural features, including a playset and generator equipment, on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; and Section 406: 30.4 in lieu of 40.0 feet minimum required west rear yard setback and 30.8 in lieu of 40.0 feet minimum required east rear yard setback for the raised patio; 25.0 in lieu of 40.0 feet minimum required west rear yard setback and 21.0 in lieu of 40.0 feet minimum required east rear yard setback for the raised patio; 28.6 in lieu of 40.0 feet minimum required east rear yard setback for the pool equipment. 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.

Engineer Rob Frangione and Gavin Baiera answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney John Ryan, representing David and Lisa Miller, objected to and questioned parts of the application. The Public Hearing was then closed.

CALENDAR NO. 44-2012 - the application of Stephanie Mark and Residential Design Services on behalf of Fairmead Real Estate Associates, LLC and Rock Shtufaj filed on September 19, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story addition; Section 406: 37.6 in lieu of 40.0 feet minimum required front yard setback; 7.1 in lieu of 25.0 feet minimum required south side yard setback; 24.1 in lieu of 50.0 feet minimum required total of two side yards setback; and 22.27 in lieu of 20.0 percent maximum allowable coverage. The property is situated on the west side of Fairmead Road approximately 600 feet south of the intersection of Fairmead Road and Old Kings Highway North and is shown on Assessor's Map #35 as Lot #23, being 19 Fairmead Road and located in an R-1 (residential) Zone.

Architectural Designer Stephanie Mark answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Victoria Batha objected to aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 46-2012 - the application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Maplewood of Darien filed on September 19, 2012 for a variance of Section 924 of the Darien Zoning Regulations, to allow the installation of two monument signs; Section 924: installation of monument signs where none are permitted, in lieu of wall signage. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Brookside Road and Boston Post Road and is shown on Assessor's Map #14 as Lot #33, being 599 Boston Post Road and located in a DB-2 (commercial) Zone and an R-1/2 (residential) Zone.

Attorney Amy Zabetakis and Chris Coke, from Maplewood of Darien, answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on November 14, 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. 43-2012 - The application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin & Melissa Baiera, 26 Shipway Road.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested variances.

CALENDAR NO. 44-2012 - The application of Stephanie Mark and Residential Design Services on behalf of Fairmead Real Estate Associates, LLC and Rock Shtufaj, 19 Fairmead Road.

Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to DENY the above delineated, requested 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. 90-2004, Dan McNulty, 6 Woodley Road.

Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to APPROVE the request.

Requested amendment to the approved plans of Calendar No. 18-2012, Pamela Thompson, 35 Fairfield Avenue.

Upon a motion by Gary Greene, seconded by Rich Wood, the ZBA voted 5-0 to DENY the request.

Requested extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 20-2010, Louis Benedetto, 000 Raymond Street. The Public Hearing of this matter was April 28, 2010. Initial ZBA approval would have expired on November 13, 2010. Following a November 11, 2010 request, on December 15, 2010 the ZBA granted a 12 month extension to November 13, 2011. Following a subsequent November 8, 2011 request, on November 16, 2011 the ZBA granted another 12 month extension to November 13, 2012.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0-1 to DENY the requested six month extension. Those voting in favor were Gary Greene, Vic Capellupo, John Ashburne and Rich Wood. Abstaining was Ruth Anne Ramsey.

Approval of Minutes of meeting on September 12, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.

This matter was TABLED until November 14, 2012.

Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

Considerable discussion took place about various possible changes. The matter was then TABLED to the next meeting on November 14, 2012.

ADJOURNMENT

Upon a motion by Rich Wood, seconded by Vic Capellupo , and a ZBA vote of 5-0, the meeting was adjourned at 9:42 PM.

These Meeting Minutes,
Respectfully submitted October 18, 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 John Ashburne, seconded by Rich Wood, approved by a vote of 4-0 at the ZBA meeting on December 12, 2012. John Ashburne, Rich Wood, Vic Capellupo and Ruth Anne Ramsey voted in favor of the motion. Gary Greene previously indicated his approval.