

MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
APRIL 29, 2009

REGULAR MEETING

Darien Town Hall - Room 206 - 7:48 to 9:35 PM

ZBA members present: Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams,
John Ashburne, and Polly Davis

Staff Present: Code Compliance Officer Robert Woodside and Recorder
Brian Wandzilak

ZBA Chair Vic Capellupo opened the meeting at 7:48 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 14 -2009 - The application of Stuart Wright on behalf of Carol A. Farquhar filed on March 25, 2009 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of first floor enclosure and second story additions; Section 334: construction on a portion of the lot with 85.0 in lieu of 100.0 feet minimum required lot depth; Section 406: 9.5 in lieu of 25.0 feet minimum required front yard setback; and 25.5 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street. The property is situated on the east side of Raymond Street approximately 700 feet north of the intersection of Tokeneke Road and Raymond Street and is shown on Assessor's Map #36 as Lot #102, being 34 Raymond Street and located in an R-1/5 (residential) Zone.

Stuart Wright and Carol Farquhar 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. 15 -2009 - The application of Gerald Raasch filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of HVAC equipment; Section 406: 15.0 in lieu of 25.0 feet minimum required side yard setback. The property is situated on the east side of Ring's End Road approximately 500 feet south of the intersection of Ring's End Road

and Boston Post Road and is shown on Assessor's Map #50 as Lot #1, being 29 Ring's End Road and located in an R-1 (residential) Zone.

Gerald Raasch 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. 17 -2009 - The application of Anthony Totilo, Architects on behalf of Joanne Frawley filed on March 25, 2009 for variances of Sections 406 and 825d6 of the Darien Zoning Regulations, to allow the construction of second story dormer, one story covered front portico, and two story additions; and the maintenance and construction of basement space; Section 406: 8.5 in lieu of 10.0 feet minimum required side yard setback and 21.0 in lieu of 30.0 feet minimum required front yard setback for the second story dormer; 26.4 in lieu of 30.0 feet minimum required front yard setback for the portico; 28.8 in lieu of 30.0 feet minimum required front yard setback for the two story addition; and Section 825d6: maintenance of existing basement space at 78.9 and 80.1 in lieu of 81.6 feet minimum required floor elevation; and construction of additional basement space at 78.9 in lieu of 81.6 minimum required floor elevation. The property is situated on the west side of Greenwood Avenue approximately 1000 feet north of the intersection of Camp Avenue and Greenwood Avenue and is shown on Assessor's Map #8 as Lot #152, being 37 Greenwood Avenue and located in an R-1/3 (residential) Zone.

Anthony Totilo 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. 19 -2009 - The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on March 25, 2009 for variances of Sections 662, 226, 334, 666, 904, 906.6, 940 and 944 of the Darien Zoning Regulations, to allow the construction of a two story retail, commercial sales and services and/or business and professional office building with a transformer/generator, storage area, garbage enclosure, and HVAC equipment; Section 662: possible commercial sales and services use with limited generally required external storage or activity which is a normal part of the operation of the use; possible business and professional office use where none is permitted; Section 226: 40.0 in lieu of 44.0 feet minimum required parking space and aisle depth; Section 334: construction on a portion of the lot with less than 100.0 feet minimum required lot depth; Section 666: 0.0 in lieu of 65.0 feet minimum required parking setback in front of the building; 21.4 and 19.8 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 1.5 in lieu of 0.0 or 4.0 feet minimum required side yard setback for the transformer/generator and storage area; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator and storage area; 3.0 and in lieu of 25.0 feet minimum

required rear yard setback for the garbage enclosure; 3.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; 37.4 in lieu of 20.0% maximum allowable building coverage; 85.0 in lieu of 80.0% maximum allowable developed site area; 0.0 and -2.5 in lieu of 6.0 feet minimum required front landscape depth; Section 904: 8 in lieu of 30 minimum required parking spaces; Section 906.6: 0.0 and -2.5 in lieu of 6.0 feet minimum required front parking setback; 14.0 in lieu of 25.0 feet minimum required rear parking setback; Sections 666 and 940: 0.0 and -2.5 in lieu of 10.0 feet minimum required front landscape area; and Sections 667 and 944: 0.0 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots. The property is situated on the southeast side of Boston Post Road approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 11 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone. Robert Maslan, Dave Lapierre, Todd Ritchie, and Penny Glassmeyer answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Carole Bianco and John Rossi objected to various aspects of the application. It was noted that one additional variance item was omitted from the Legal Notice for this meeting. Therefore the Legal Notice has been amended for subsequent publication and it was determined that this Public Hearing will be continued at the next ZBA meeting on May 20, 2009.

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. 14 -2009 - The application of Stuart Wright on behalf of Carol A. Farquhar, 34 Raymond Street. Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances. Al Tibbetts, Jeff Williams, Chuck Deluca, Polly Davis, and John Ashburne voted in favor of the motion.

CALENDAR NO. 15 -2009 - The application of Gerald Raasch, 29 Ring's End Road. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Polly Davis voted in favor of the motion.

CALENDAR NO. 17-2009 - The application of Anthony Totilo, Architects on behalf of Joanne Frawley, 37 Greenwood Avenue. Upon a motion by Al Tibbetts, seconded by Chuck Deluca, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances. Al Tibbetts, Vic Capellupo, Jeff Williams, Chuck Deluca, 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:

Approval of Minutes of Joint Meeting on April 15, 2009 with the Architectural Review Board. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis. Upon a motion by Jeff Williams, seconded by Al Tibbetts, the ZBA voted 5-0 to APPROVE the subject minutes. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis voted in favor of the motion. Gary Greene also previously indicated his approval.

The meeting was adjourned at 9:35 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by Jeff Williams, seconded by John Ashburne, the ZBA voted 4 -0 to APPROVE the subject minutes, at the ZBA meeting on May 20, 2009. Jeff Williams, John Ashburne, Vic Capellupo, and Al Tibbetts voted in favor of the motion. Chuck Deluca and Polly Davis also previously indicated their approval.

Respectfully submitted May 4, 2009,
by Robert Woodside,
Code Compliance Officer
ZBA Staff