

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
February 11, 2009

Darien Town Hall - Room 206 - 7:50 to 9:50 PM

ZBA members present: Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis
Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

ZBA Vice Chair Gary Greene opened the meeting at 7:50 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENT

Mr. Greene announced that the Public Hearing of Calendar No. 73-2009, the application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner, 171 Boston Post Road, has been postponed to March 18, 2009.

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:

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 63-2008 - the application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on November 19, 2008 for variances of Sections 662, 226, 334, 665, 904, 906.6 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; Section 662: possible commercial sales and services use without external storage or activity; possible business and professional office use where none is permitted; Section 226: 19.0 in lieu of 20.0 feet minimum required parking space depth; Section 334: construction on a portion of the lot with 74.8 in lieu of 100.0 feet minimum required lot depth; Section 655: 16.4 in lieu of 30.0 feet minimum required front yard setback; 3.2 in lieu of 0.0 or 4.0 feet minimum required side yard setback; 2.0 in lieu of 25.0 feet minimum required rear yard setback; 39.8 in lieu of 20.0% maximum allowable building coverage; 91.4 in lieu of 80.0% maximum allowable

developed site area; 0.0 in lieu of 6.0 feet minimum required front landscape depth; Section 904: 8 in lieu of 33 minimum required parking spaces; Section 906.6: 0.0 in lieu of 6.0 feet minimum required front parking setback; and Section 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 Street approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 13 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.

Mr. Greene reopened this hearing. However, neither Mr. Maslan nor any other representative of the applicant was in attendance. The ZBA determined to continue this matter until later in the meeting.

PUBLIC HEARINGS

CALENDAR NO. 72-2008 - the application of John Olsen filed on December 17, 2008 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a modified roof on the existing detached garage; Section 406: 29.0 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the north side of Sunset Road approximately 1936 feet east of the intersection of Sunset Road and Mansfield Avenue and is shown on Assessor's Map #15 as Lot #67, being 50 Sunset Road and located in an R-1/2 (residential) Zone.

John Olsen and Rosanne Olsen 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. 1-2009 - the application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro filed on January 14, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, second story, and two and one half story additions and the installation of HVAC equipment; Section 406: 7.5 in lieu of 17.1 feet minimum required side yard setback relative to the north property line, 11.3 in lieu of 21.0 feet minimum required side yard setback relative to the south property line, and 18.8 in lieu of 25.0 feet minimum required total of two side yards setback for the additions; 12.0 in lieu of 17.1 feet minimum required side yard setback relative to the north property line for the HVAC equipment; and construction of additional building volume on a lot with 21.78 in lieu of 20.0% maximum allowable building coverage. The property is situated on the west side of Hillcrest Avenue approximately 150 feet south of the intersection of Christie Hill Road and Hillcrest Avenue and is shown on Assessor's Map #27 as Lot #40, being 6 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

Joe Cugno and Stephen Alliegro answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Eileen Raleigh objected to and questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 2-2009 - the application of Scott M. and Julie L. Johnston filed on January 14, 2009 for variances of Sections 384 and 406 of the Darien Zoning Regulations, to allow the construction of two story, second story, and attic story additions and the installation of HVAC equipment; Section 384: expansion of the residence structure in a non-conforming location; and Section 406: 36.9 in lieu of 40.0 feet minimum required front yard setback and 44.4 in lieu of 65.0 feet minimum required total of two side yards setback as measured from the centerline of Beach Drive for the additions; and 8.0 in lieu of 40.0 feet minimum required front yard setback and 33.0 in lieu of 65.0 feet minimum required total of two side yards setback as measured from the centerline of Outlook Drive for the additions; and 12.0 in lieu of 15.0 feet minimum required side yard setback, 36.9 in lieu of 40.0 feet minimum required front yard setback, and 44.4 in lieu of 65.0 feet minimum required total of two side yards setback as measured from the centerline of Beach Drive for the HVAC equipment. The property is situated on the east side of Beach Drive at the southeast corner formed by the intersection of Beach Drive and Outlook Drive and is shown on Assessor's Map #52 as Lot #97, being 27 Beach Drive and located in an R-1/2 (residential) Zone.

Scott Johnston, Joseph Gluse, and Julie Johnston 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. 63-2008 - the application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC, 1292 Boston Post Road. Mr. Greene reopened this hearing. Neither Mr. Maslan nor any other representative of the applicant had arrived. It was noted that Mr. Maslan's office previously requested a continuation of the hearing to the March 18th meeting. It was noted that this application was submitted in October and the hearing began in December. The ZBA questioned the value of continuing the hearing further but agreed to do so with the understanding that it must be concluded at the March 18th meeting.

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. 72-2008, the application of John Olsen, 50 Sunset Road. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion.

CALENDAR NO. 1-2009, the application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro, 6 Hillcrest Avenue. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 4-0-1 to DENY the above delineated, requested variances. Gary Greene, Chuck Deluca, Jeff Williams, and Polly Davis voted in favor of the motion. Ruth Anne Ramsey abstained.

CALENDAR NO. 2-2009, the application of Scott M. and Julie L. Johnston, 27 Beach Drive. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 3-2 to Grant with Stipulations the above delineated, requested variances. Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Polly Davis voted against the motion. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal. Therefore this application is DENIED.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 61-1985, Ramiz Khoda on behalf of Alliance Energy LLC, Vincent Derentiis, and Sunoco for the current Exxon station property, 1044 Boston Post Road.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the request.

Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 79 Locust Hill Road.

ZBA staff noted that siding on the front wall of the house was still incomplete and a letter was received from Amy Zabetakis on behalf of the property owner Sheila Duffy. Miss Zabetakis and Michael Duffy appeared. They said the siding would be completed as soon as melting snow allowed safe placement of ladders. The ZBA determined that the owner or representative should return to the next ZBA meeting on March 18th and the work should be complete at that time.

Approval of Minutes of meeting on January 14, 2009. ZBA members attending this meeting were Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Polly Davis. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion. Al Tibbetts and John Ashburne also previously indicated their approval.

Approval of Minutes and Resolutions of the following public hearing application decisions made on January 14, 2009. Seated ZBA members for these decisions were Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Polly Davis. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Polly Davis voted in favor of the motion. Al Tibbetts and John Ashburne also previously indicated their approval.

Calendar #68-2008 Fiordalis, 11 Cherry Street
Calendar #69-2008 Jackson, 84 Rings End Road
Calendar #70-2008 J Baron, 103 Raymond Street
Calendar #71-2008 Licari, 21 Cherry Street

Approval of Minutes and Resolution of decision of Calendar No. 54 -2008, Sarrazin Architecture PLLC on behalf of Fine builders LLC, 3 Nutmeg Lane. Seated ZBA members for this decision were Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, and Polly Davis. Upon a motion by Chuck Deluca, seconded by Polly Davis, the ZBA voted 3-0 to APPROVE the subject minutes. Chuck Deluca, Jeff Williams, and Polly Davis voted in favor of the motion. Al Tibbetts and Vic Capellupo also previously indicated their approval.

The meeting was adjourned at 9:50 PM.

These Meeting Minutes were reviewed by the seated ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2009. ... also (or previously) indicated his/her approval.

Respectfully submitted February 19, 2009
by Robert Woodside,
Code Compliance Officer