

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
MARCH 18, 2009

Darien Town Hall - Room 206 - 7:48 to 8:40 PM

ZBA members present: Vic Capellupo, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Polly Davis

Staff Present: Code Compliance Officer Robert Woodside and Recorder Bonnie Syat

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.

POSTPONEMENTS AND WITHDRAWALS

Mr. Capellupo announced that the Public Hearing of 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, has been cancelled due to its withdrawal by the applicant.

Mr. Capellupo announced that the Public Hearing of Calendar No. 73-2008, the application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner, 171 Boston Post Road, has been postponed to April 22, 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:

CALENDAR NO. 3-2009 - The application of Lance E. Zimmerman on behalf of Carl & Irene Trautmann filed on February 18, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story foyer, covered porch, and second story dormer additions; and the installation of HVAC equipment; Section 406: 19.2 in lieu of 40.0 feet minimum required rear yard setback for the additions; and 17.5 in lieu of 40.0 feet minimum required rear yard setback for the HVAC equipment. The property is situated on the east side of Laurel Lane at the northeast corner formed by the intersection of Laurel Lane and Middlesex Road and is shown on Assessor's Map #26 as Lot #25, being 4 Laurel Lane and located in R-1/2 and R-1 (residential) Zones.

Lance Zimmerman 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. 4 -2009 - The application of Jacqueline Pask and Acme Sign Co. on behalf of Baywater Post Road Associates II, LLC filed on February 18, 2009 for a variance of Section 923.1 of the Darien Zoning Regulations, to allow the installation of sign logo; Section 923.1: 15.5 in lieu of 10 inches maximum allowable figure height. The property is situated on the southeast side of Boston Post Road approximately 200 feet north of the intersection of Boston Post Road and Corbin Drive and is shown on Assessor's Map #72 as Lot #12, being 1020 Boston Post Road and located in the CBD (commercial) Zone. Jackie Pask and David Genovese 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. 5 -2009 - The application of Neil Hauck, AIA on behalf of Nassau Mansfield Avenue LLC filed on February 18, 2009 for interpretations of Sections 334 and 385 and (if necessary), 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 13,867 in lieu of 14,520 square feet minimum required lot size; and Sections 334 and 406: construction on a building lot with 67.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Mansfield Avenue approximately 200 feet north of the intersection of Mansfield Avenue and Sedgewick Avenue and is shown on Assessor's Map #17 as Lot #14, being 49 Mansfield Avenue and located in an R-1/3 (residential) Zone. This matter was called and the Public Hearing was opened. However the applicant had not arrived yet. Robert Hill questioned what has been changed from the previously approved project. He was encouraged to come to the office to review the plans or attend the next ZBA meeting. Another neighbor was encouraged to provide written comments since she would not be able to attend the next meeting. Mr. Capellupo then continued the hearing to April 22, 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. 3 -2009 - The application of Lance E. Zimmerman on behalf of Carl & Irene Trautmann, 4 Laurel Lane. Upon a motion by John Ashburne, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances.

CALENDAR NO. 4 -2009 - The application of 3-2009 - The application of Jacqueline Pask and Acme Sign Co. on behalf of Baywater Post Road Associates II, LLC, 1020

Boston Post Road. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT the above delineated, requested variance. Vic Capellupo, John Ashburne, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion. Polly Davis was opposed. 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.

OTHER BUSINESS

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

Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 79 Locust Hill Road. The ZBA was advised by Staff that siding installation has now been completed on the subject residence structure. Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 5-0 to determine that the terms of the Stipulation have been satisfied relative to the 79 Tokeneke Road residence. Chuck Deluca, Vic Capellupo, Ruth Anne Ramsey, John Ashburne, and Polly Davis voted in favor of the motion.

Approval of Minutes of meeting on February 11, 2009. ZBA members attending this meeting were Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, 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, Polly Davis, and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Jeff Williams also previously indicated their approval.

Approval of Minutes and Resolutions of the following public hearing application decisions made on February 11, 2009. Seated ZBA members for these decisions were Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, 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, Polly Davis, and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Jeff Williams also previously indicated their approval.

Calendar #72-2008 Olsen, 50 Sunset Road
Calendar #1-2009 Alliegro, 6 Hillcrest Avenue
Calendar #2-2009 Johnston, 27 Beach Drive

The meeting was adjourned at 8:40 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2008. ... voted in favor of the motion. ... also (or previously) indicated his/her approval.

Respectfully submitted March 25, 2009,
by Robert Woodside,
Code Compliance Officer

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