

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
February 24, 2016

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 9:44 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Rich Wood and
Jeff Williams

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:48 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARINGS

The following hearing was continued from the January 27, 2016 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. 2-2016 - the application of Tracy Becker and National Sign Corporation on behalf of Cook Family Ltd Ptnr dba Bertucci's Kitchen ♦ Bar submitted on December 18, 2015 for an amendment of Calendar No. 30-2008 and variances of Sections 923 and 926 of the Darien Zoning Regulations; to allow modifications to the existing wall and awning signs; Section 923: 16.0 inch in lieu of 10.0 inch maximum height allowable for letters and Section 926: internal wall sign illumination where none is permitted. The property is situated on the southeast side of the Boston Post Road opposite the intersection with West Norwalk Road and is shown on Assessor's Map #32 as Lots #1 & #2, being 54 Boston Post Road and located in an SB-E (commercial) Zone.

Richard Rizzo answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

The following hearing was continued from the November 18, 2015, December 16, 2015 and January 27, 2016 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. 53-2015 - the application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 2.5 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 22.5 feet minimum required east side yard setback; and 18.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

Surveyor Jeff McDougal and Builder Kent Epply answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Oleg Starovoitov supported the proposal and addressed his concerns about drainage.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on March 23, 2016.

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. 06-2016 - the application of Timothy & Lauren Stisser submitted on December 23, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front porch and second story additions; Section 406: 27.4 in lieu of 40.0 feet minimum required front yard setback and 55.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road for the covered porch; 28.4 in lieu of 40.0 feet minimum required front yard setback and 56.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road, and 26.3 in lieu of 40.0 feet minimum required south rear yard setback for the second story. The property is situated at the southeast corner of the intersection formed by Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #126, being 334 Hollow Tree Ridge Road and located in an R-1 (residential) Zone.

Timothy Stisser and Builder Larry Larkin 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. 08-2016 - the application of Courtney Platt submitted on January 19, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of wood replacement front entry stairs; Section 406: 34.5 in lieu of 40.0 minimum required front yard setback, and 51.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Contentment Island Road. The property is situated on the east side of Contentment Island Road approximately 200 feet from the end of the road and is shown on Assessor's Map #68 as Lot #16, being 43 Contentment Island Road and located in an R-1 (residential) Zone.

Courtney Platt 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. 09-2016 - the application of Jacek Bigosinski and PB Architects on behalf of Andrzej Patrosz submitted on January 25, 2016 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 57.0 in lieu of 80.0 feet minimum required lot width and 9,120 in lieu of 14,520 square feet minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 57.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Holmes Avenue opposite the intersection with Intervale Road and is shown on Assessor's Map #25 as Lot #36, being 146 Holmes Avenue and located in an R-1/3 (residential) Zone.

Architect Jacek Bigosinski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Lynley Franklin spoke in opposition to the proposal. The Public Hearing was then closed.

CALENDAR NO. 11-2016 - the application of Bryan Vasser, Archer Signs and Trader Joe's on behalf of Equity One, LLC submitted on January 27, 2016 for amendments to the settlement agreement of ZBA Calendar Nos. 25-1994 and 41-1994, and variances of Section 924 of the Darien Zoning Regulations; to allow replacement, internally lit, and different size wall signs; Section 924: internal illumination where that is not permitted;

and 16" in lieu of 10" maximum letter height for the rear Old Kings Highway North wall sign. The subject property is located on the southeast corner of the intersection of Boston Post Road and Old King's Highway North and is shown on Assessor's Map #35 as Lot #1, being 430 Boston Post Road and located in an DB-2 (Designed Business Two - commercial) Zone.

Bryan Vasser answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. 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. 02-2016 - The application of Tracy Becker and National Sign Corporation on behalf of Cook Family Ltd Ptnr dba Bertucci's Kitchen ♦ Bar, 54 Boston Post Road. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the above delineated, requested amendment and variances.

CALENDAR NO. 06-2016 - The application of Timothy & Lauren Stisser, 334 Hollow Tree Ridge Road. Upon a motion by Chuck Deluca, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 08-2016 - The application of Courtney Platt, 43 Contentment Island Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variances.

CALENDAR NO. 09-2016 - The application of Jacek Bigosinski and PB Architects on behalf of Andrzej Patrosz, 146 Holmes Avenue. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 4-0-1 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance. Those voting in favor of the motion were Chuck Deluca, Vic Capellupo, Jeff Williams and Rich Wood. Gary Greene abstained. 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 with stipulations.

CALENDAR NO. 11-2016 - The application of Bryan Vasser, Archer Signs and Trader Joe's on behalf of Equity One, LLC, 430 Boston Post Road. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the above delineated, requested amendments and variances.

OTHER BUSINESS

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

Requested six month extension, received January 29, 2016, to obtain all required permits and begin on-site construction for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue. The Public Hearing of this matter was March 11, 2015. Initial ZBA approval of a substantial addition proposal was conditioned on structure preservation commitments which could not be fulfilled. Subsequently a replacement house design was submitted and on September 9, 2015 the ZBA accepted those plans for the project. A routine 6 months to implement that plan expires on March 9, 2016.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the requested extension.

ADJOURNMENT

Upon a motion by Vic Capellupo, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 9:44 PM.

These Meeting Minutes,
Respectfully submitted March 4, 2016,
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 Jeff Williams, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on April 20, 2016. Those voting in favor were Jeff Williams, Vic Capellupo, Gary Greene & Rich Wood.