

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
September 21, 2016

REGULAR MEETING

Darien Town Hall - Room 206 – 7:51 to 10:33 PM

ZBA members present: Mike Nedder, Jeff Williams, Kevin Fullington, Ruth Anne Ramsey, Vic Capellupo (arrived at 8:23 P.M.), and Rich Wood (departed at 8:23 P.M.)

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

OPENING

ZBA Chair Mike Nedder opened the meeting at 7:51 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 hearings were continued from the September 14, 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. 27-2016 - the application of Robert Carroll submitted on August 17, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a detached garage; Section 406f: 2 in lieu of 1 maximum allowable story and 20.0 in lieu of 15.0 feet maximum allowable height for an accessory structure; and/or Section 406: 5.1 in lieu of 10.0 feet minimum required side yard setback and 5.1 in lieu of 25.0 feet minimum required rear yard setback for a 2 story principal structure. The property is located on the west side of Noroton Avenue approximately 100 feet north of the intersection with Park Place and is shown on Assessor's Map #43 as Lot #34, being 65 Noroton Avenue and located in the R-1/3 (residential) Zone.

Robert Carroll 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 October 19, 2016.

CALENDAR NO. 24-2016 - the application of Stephen Jones and Jones Green Design, LLC on behalf of David Pereira submitted on June 15, 2016 for an interpretation under Section 385 and variances of Sections 334, 406, and 906.3; to allow the construction of a cantilevered two story dwelling with decks and parking; Section 385: a determination that the subject lot is a legal nonconforming building lot with “mainland” area of 6,778 in lieu of 8,712 square feet minimum required lot size and 65.0 in lieu of 100.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the lot with 65.0 in lieu of 75 feet minimum lot depth; Section 406: 14.4 in lieu of 25.0 feet minimum required front yard setback; 28.9 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street; 5.0 in lieu of 25.0 feet minimum required rear yard setback; and 40.2 in lieu of 30.0 feet maximum allowable building height; and Section 906.3: establishment of a portion of the required parking spaces within the front yard space. The property is situated on the east side of Raymond Street approximately 400 feet north of the intersection with Tokeneke Road and is shown on Assessor’s Map #36 as Lot #99, being 20 Raymond Street and located in the R-1/5 (residential) Zone.

Architectural Designer Stephen Jones answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Joe Canas, Certified Flood Plain Manager, hired by the Town of Darien for a peer review of the project described his findings on the applications. Neighbor Steve Irish said he liked new construction in the neighborhood but had concerns about trees and privacy with this proposal. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on October 19, 2016.

CALENDAR NO. 26-2016 - the application of Ann Day and Ann Day Architects LLC on behalf of Andrew & Lindsay Atha submitted on August 17, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story front entry portico; Section 406: 24.8 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southwest corner of the intersection formed by Chester Road and Middlesex Road and is shown on Assessor’s Map #24 as Lot #62, being 2 Chester Road and located in the R-1/3 (residential) Zone.

Architect Ann Day 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. 28-2016 - the application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of McLaren Family LLC submitted on August 17, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story front entry portico; Section 406: 18.0 in lieu of 30.0 feet minimum required front yard setback and 43.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Prospect Avenue. The property is located on the south side of Prospect Avenue opposite Morehouse Drive and is located on Assessor's Map #16 as Lot #73, being 21 Prospect Avenue and located in the R-1/3 (residential) Zone.

Surveyor Jeff McDougal 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. 25-2016 - the application of John Ricci submitted on August 15, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: establishing a finished basement area 81.9 in lieu of 50.0 maximum allowable percentage of the first floor area, effectively creating 3 in lieu of 2 ½ maximum allowable stories. The property is situated on the north side of Tokeneke Road approximately 180 feet east of the intersection with Silver Lakes Drive and is shown on Assessor's Map #37 as Lot #16, being 154 Tokeneke Road and located in the R-1/2 (residential) Zone.

Architect Sajjan and John Ricci 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 October 19, 2016.

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. 26-2016 - The application of Ann Day and Ann Day Architects LLC on behalf of Andrew & Lindsay Atha, 2 Chester Road. Upon a motion by Mike Nedder, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances

CALENDAR NO. 28-2016 - The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of McLaren Family LLC, 21 Prospect Avenue. Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

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. 43-2014, Julie and John Hekker, 85 Goodwives River Road. The Public Hearing of this matter was October 15, 2014.

After review of the project circumstances and the requested amendment, the ZBA determined that a new Public Hearing is required to further consider the request.

Requested six month extension, received August 9, 2016, to obtain all required permits and begin on-site construction for ZBA Calendar No. 16-2016, Tara & Brendan Sobolewski, 25 Fitch Avenue. The Public Hearing of this matter was May 18, 2016. Initial ZBA approval expires on November 27, 2016.

Upon a motion by Mike Nedder, seconded by Kevin Fullington, the ZBA voted 5-0 to GRANT the requested extension.

Requested seven month extension, received September 6, 2016 to obtain all required permits and begin on-site construction for ZBA Calendar No. 12-2016, Laura Woznitski, 38 Delafield Island Road. The Public Hearing of this matter was March 23, 2016. Initial ZBA approval expires on October 1, 2016.

Upon a motion by Mike Nedder, seconded by Kevin Fullington, the ZBA voted 5-0 to GRANT the requested extension.

Approval of Minutes of meeting on June 22, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Kevin Fullington.

This matter was tabled to the next ZBA meeting.

Approval of Minutes of meeting on July 13, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Rich Wood.

This matter was tabled to the next ZBA meeting.

Review of possible Resolution regarding timetable of ARB and ZBA applications review.

This matter was tabled to the next ZBA meeting.

Review of proposed application form Item K clarifications.

This matter was tabled to the next ZBA meeting.

Review of a possible moratorium on acceptance of sign applications.

This matter was tabled to the next ZBA meeting.

Review of the Hescock case and its determinations.

This matter was tabled to the next ZBA meeting.

Possible appointment of a committee to consider possible Bylaws and Policies.

This matter was tabled to the next ZBA meeting.

Review of recent decisions and consideration of an evaluation.

This matter was tabled to the next ZBA meeting.

Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.

This matter was tabled to the next ZBA meeting.

General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/or requested changes.

This matter was tabled to the next ZBA meeting.

ADJOURNMENT

The meeting was adjourned at 10:33 PM.

These Meeting Minutes,
Respectfully submitted September 23, 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 Mike Nedder, approved by a vote of 3-0 at the ZBA meeting on November 16, 2016. Jeff Williams, Mike Nedder and Ruth Anne Ramsey voted in favor of the motion.