

DRAFT

SUMMARY MEETING MINUTES

DARIEN ZONING BOARD OF APPEALS (ZBA)

November 16, 2016

REGULAR MEETING

Darien Town Hall - Room 206 - 7:48 to 10:00 PM

ZBA members present: Mike Nedder, Jeff Williams, Chuck Deluca, Ruth Anne Ramsey and Kevin Fullington (departed at 9:30 PM)

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

OPENING

ZBA Chair Mike Nedder 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.

POSTPONEMENTS AND CONTINUATIONS

Mr. Nedder announced that the Public Hearing of Calendar No. 30-2016, the application of Anton Tinaj, 114 Hecker Avenue, is re-opened and immediately re-continued without testimony to December 14, 2016, due to plan revisions.

Mr. Nedder announced that the Public Hearing of Calendar No. 34-2016, the application of Brian & Leanne Cordes, 10 Phillips Lane, is opened and immediately continued without testimony to December 14, 2016, at the applicant's request due to the possible lack of a quorum.

Mr. Nedder announced that the Public Hearing of Calendar No. 35-2016, the application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of James & Joy Cummiskey, 90 Goodwives River Road, is opened and immediately continued without testimony to December 14, 2016, at the applicant's request due to the possible lack of a quorum.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the September 21, 2016 and October 19, 2016 meetings 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. 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 of the Darien Zoning Regulations; 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; 29.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street; 12.0 in lieu of 25.0 feet minimum required rear yard setback; and 39.4 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 and property owner Dr. David Pereira 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 application and plan revisions.

Neighbors Steve Kracke, Karen Vogel Grefe, Ron Desoiza and Stephen Irish addressed various concerns with the application. The Public Hearing was then closed.

CONTINUATION OF PUBLIC HEARINGS

The following hearings were continued from the October 26, 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. 29-2016 - the application of Corey Grossman and Four Seasons Construction on behalf of Hout Ly submitted on September 19, 2016 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement garage with a second story; Section 406: 12.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the east side of Richmond Drive approximately 200 feet southeast of the intersection with Point O Wood Road and is shown on Assessor's Map #12 as Lot #23, being 27 Richmond Drive and located in an R-1/2 (residential) Zone.

Builder Corey Grossman and property owner Hout Ly 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. 32-2016 - the application of Terry Lennon and T Lennon Architects on behalf of Scott & Eileen Bryer submitted on September 21, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 12.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of Briar Brae Road approximately 1,000 feet northeast of the intersection with Hoyt Street and is shown on Assessor's Map #29 as Lot #21, being 27 Briar Brae Road and located in the R-1/2 (residential) Zone.

Architect Terry Lennon and property owner Eileen Bryer answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Joan O'Connell Agresta and Anthony Yezzi spoke in support of the application. The Public Hearing was then closed.

PUBLIC HEARING

The following hearing was 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. 36-2016 - the application of Donald L. Kiggins, Jr. submitted on October 19, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of a basement access doorway; Section 406: 22.8 in lieu of 40.0 feet minimum required front yard setback and 40.0 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Five Mile River Road. The property is situated on the west side of Five Mile River Road approximately 900 feet south of the intersection with Berry Lane and is shown on Assessor's Map #66 as Lot #45, being 80 Five Mile River Road and located in the R-1/2 (residential) Zone.

Property owner Donald Kiggins 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. 24-2016 - The application of Stephen Jones and Jones Green Design, LLC on behalf of David Pereira, 20 Raymond Street. Upon a motion by Ruth Anne Ramsey, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances and interpretation.

CALENDAR NO. 29-2016 - The application of Corey Grossman and Four Seasons Construction on behalf of Hout Ly, 27 Richmond Drive. Upon a motion by Mike Nedder, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 32-2016 - The application of Terry Lennon and T Lennon Architects on behalf of Scott & Eileen Bryer, 27 Briar Brae Road. Upon a motion by Mike Nedder, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT the above delineated, requested variance. Those voting in favor were Mike Nedder, Ruth Anne Ramsey, Kevin Fullington and Jeff Williams. Chuck Deluca was opposed to the motion. 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.

CALENDAR NO. 36-2016 - The application of Donald L. Kiggins, Jr., 80 Five Mile River Road. Upon a motion by Kevin Fullington, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT 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:

1. Approval of Minutes of meeting on September 14, 2016. ZBA members attending this meeting were Vic Capellupo and Ruth Anne Ramsey.

Upon a motion by Ruth Anne Ramsey, seconded by Mike Nedder, the ZBA voted 2-0 to APPROVE the subject minutes. Vic Capellupo previously indicated his approval.

2. Approval of Minutes of meeting on September 21, 2016. ZBA members attending this meeting were Vic Capellupo, Mike Nedder, Jeff Williams, Ruth Anne Ramsey, Kevin Fullington, and Rich Wood.

Upon a motion by Jeff Williams, seconded by Mike Nedder, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor were Jeff Williams, Mike Nedder and Ruth Anne Ramsey.

3. Approval of Minutes of meeting on October 19, 2016. ZBA members attending this meeting were Gary Greene, Vic Capellupo, Jeff Williams, Ruth Anne Ramsey, and Mike Nedder.

Upon a motion by Mike Nedder, seconded by Ruth Anne Ramsey, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Ruth Anne Ramsey and Jeff Williams. Gary Greene previously indicated his approval.

4. Approval of Minutes of meeting on October 26, 2016. ZBA members attending this meeting were Chuck Deluca and Mike Nedder.

Upon a motion by Chuck Deluca, seconded by Mike Nedder, the ZBA voted 2-0 to APPROVE the subject minutes.

5. Consideration of recent member reappointment interview and staff concerns.

The ZBA discussed this matter and determined to reconsider it at a future meeting.

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

This matter was tabled to a future meeting.

7. Review of proposed application form Item K clarifications.

This matter was tabled to a future meeting.

8. Review of a possible moratorium on acceptance of sign applications.

The ZBA discussed this matter and determined that a moratorium would not be necessary or appropriate. Currently a P&Z Department consultant is evaluating sign issues. The ZBA has been asked to participate in that process which will begin at the December 14th ZBA meeting. The ZBA asked staff to copy the inventory of existing signs which was done in May 2016.

9. Review of the Hesco case and its determinations.

This matter was tabled to a future meeting.

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

ZBA staff provide a draft policy for consideration regarding Architectural Design. This matter was then tabled to a future meeting.

11. Review of recent decisions and consideration of an evaluation.

This matter was tabled to a future meeting.

12. Possible special meeting with Town Counsel regarding ZBA procedures and policies.

This matter was tabled to a future meeting.

13. 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.

The ZBA determined that staff should prepare a possible neighbor notification guidelines template for further consideration. This matter was then tabled to a future meeting.

ADJOURNMENT

Upon a motion by Mike Nedder, seconded by Chuck Deluca, and a ZBA vote of 4-0, the meeting was adjourned at 10:00 PM.

These Meeting Minutes,
Respectfully submitted November 22, 2016,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These draft summary minutes were reviewed by the attending members, who indicated their approval via email.