

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
January 18, 2023

REGULAR MEETING

Darien Town Hall - Room 206 - 7:30 to 10:32 PM

ZBA members present: Barb Hazelton, Kevin Fullington, Matt Lauria, Jana Romine, and John McGrath

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

Recorded by TV79

OPENING

ZBA Vice Chair Barb Hazelton opened the meeting at 7:30 PM. She requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING S

CALENDAR NO. 10-2022 Opened on October 19, 2022 as a virtual Go To Meeting. After some testimony, the hearing was Continued to November 16, 2022. At the applicant's request, on November 16 the hearing was Recontinued to December 14, 2022. However, insufficient ZBA members were available on December 14 and the applicant granted an extension to Recontinue the hearing at this January 18, 2023 meeting. The previously seated ZBA members for this request are Jeff Williams, Barb Hazelton, Matt Lauria, Dan Nalawade, Gary Greene and Jana Romine. Kevin Fullington and John McGrath reviewed the application materials, a TV 79 vimeo recording of the October 19th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than January 27, 2023 (up to 100 total days from its October 19 opening). The next scheduled regular ZBA meeting is January 26, 2023. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The following hearing was continued from the October 19, 2022 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:

The application of Jeffrey Mirman on behalf of Cindy Hardy submitted on August 11, 2022 for an appeal of the Building Permit, B-21-207 (should be B-22-207), issued on June 8, 2022 to Jeffrey Brown. The subject property is accessed by a common driveway situated on the west side of Peach Hill Road approximately 700 feet west of Mansfield Avenue and is shown on Assessor's Map #6 as Lot #129, being 26 Peach Hill Road and located in an R-1 (residential) Zone.

Attorney Jeffrey Mirman answered various questions and explained the proposal described in the application materials. Attorney Wilder Gleason objected to various aspects of the application. Town Counsel Patti Gaug answered various questions and commented on the proposal. The Public Hearing was then closed.

CALENDAR NO. 14-2022 Opened on November 16, 2022. After some testimony, the hearing was Continued to December 14, 2022. The ZBA was unable to meet on December 14 with sufficient members. The applicant provided an extension allowing the hearing to be Continued at this January 18, 2023 meeting. The previously seated ZBA members for this request are Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, and Jana Romine. Barb Hazelton and John McGrath also reviewed the application materials, a TV 79 vimeo recording of the November 16th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than February 24, 2023 (up to 100 total days from its November 16 opening). The next scheduled regular ZBA meetings are January 26, 2023 and February 15, 2023. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The following hearing was continued from the November 16, 2022 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:

The application of Beatriz M. DeSantiz and BM Design LLC on behalf of Elvis Robles - Crypto Life LLC submitted on August 24, 2022 and amended on October 5, 2022 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; a variance of Section 383 and an interpretation of Section 402 of the Darien Zoning Regulations to allow the existing two family residence to remain with alterations and expansion; Section 383: alterations and expansion to the residence exceeding 50% of the current fair market value of the structure; and Section 402: a determination that the two family residence is a legally non-conforming use; and variances of Sections 402 and 382 of the Darien Zoning Regulations, to allow the construction of one story, second story and attic story additions; Section 402a: two in lieu of one single family dwelling on its own lot; and Section 382: enlargement of a non-conforming, two residence use of the property. The property is situated on the west side of Herman Avenue at the intersection of Edgewood

Road and is shown on Assessor's Map #20 as Lot #111, being 35 Herman Avenue and located in an R-1/3 (residential) Zone.

Owner Elvis Robles answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Realtor Kyle Neumann commented on the proposal. Neighbor Andrea Halvorsen objected to the application. Zoning Enforcement Officer Herve Hamon explained his findings regarding the proposal and answered various question. 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. 23-2022 The application of Nicholas Vitti and Murtha Cullina LLP on behalf of St John's Roman Catholic Church submitted on December 21, 2022 for variances of Sections 406, 906.6 and 944 of the Darien Zoning Regulations, to allow the construction of a mausoleum building; Section 406: 37.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the flat roof segments and 42.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the pitched roof segments; Section 906.6: parking, access drives, and turning areas within the front yard setback space; and Section 944: landscape buffer within the front yard setback space. The property is situated on the south side of Camp Avenue approximately 150 feet west of the intersection of Hoyt Street and is shown on Assessor's Map #31 as Lot #38, being 25 Camp Avenue and located in an R-1/3 (residential) Zone.

Attorney Nick Vitti, Engineer Bryan Smith and owner representative Joe McCurdy answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Nick Gogerty, Ann Rushe and Eanna Rushe questioned various aspects of the application. The ZBA then determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on February 15, 2023.

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. 10-2022 - The application of Jeffrey Mirman on behalf of Cindy Hardy, regarding 26 Peach Hill Road. Upon a motion by Kevin Fullington, seconded by Matt Lauria, the ZBA voted 5-0 to DENY the above delineated appeal. Barb Hazelton, Kevin Fullington, Matt Lauria, Jana Romine and John McGrath voted in favor of the motion.

CALENDAR NO. 14-2022 - The application of Beatriz M. DeSantiz and BM Design LLC on behalf of Elvis Robles - Crypto Life LLC, 35 Herman Avenue. Upon a motion by Jana Romine, seconded by Kevin Fullington, the ZBA voted 5-0 to DENY the above delineated appeal and variance. Barb Hazelton, Kevin Fullington, Matt Lauria, Jana Romine and John McGrath voted in favor of the motion.

OTHER BUSINESS

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

1. Requested release of a performance bond, authorization for issuance of a Certificate of Occupancy and acceptance of amended plans for the Giovannis at Water's Edge canopy and site improvements construction approved in Calendar No. 32-2014 and by Stipulated Agreement. The ZBA members determined that additional information is needed on why the constructed Site Improvements are different than what was approved and what can be done about it. The matter was then tabled to the next meeting.
2. Requested one year extension, received November 10, 2022, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5-2022, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of William Hausberg and Abigail Hausberg, 6 Pratt Island. The Public Hearing of this matter was May 18, 2022. Initial ZBA approval would have expired on November 26, 2022. The ZBA voted 5-0 to approve the requested extension.
3. Requested three month extension, received January 11, 2023, to obtain all required permits and begin on-site construction for ZBA Calendar No. 9-2015, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Charles & Kristin Collier, 65 Pear Tree Point Road. The Public Hearing of this matter was July 20, 2022. Initial ZBA approval expires on January 28, 2023. The ZBA voted 5-0 to approve the requested extension.
4. Requested one year extension, received January 11, 2023, to obtain all required permits and begin on-site construction for ZBA Calendar No. 8-2015, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Damian Ridealgh & Erin Moennich, 25 Tokeneke Trail. The Public Hearing of this matter was July 20, 2022. Initial ZBA approval expires on January 28, 2023. The ZBA voted 5-0 to approve the requested extension.

ADJOURNMENT

The meeting was adjourned at 10:32 PM.

These Meeting Minutes,
Respectfully submitted January 24, 2023,
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 Matt Lauria, seconded by John McGrath, the ZBA voted 3-0 to approve the subject minutes at the ZBA meeting on March 15, 2023. Matt Lauria, John McGrath, and Barb Hazelton voted in favor of the motion.

ZBA/01.18.2023MtgMin