

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**March 15, 2023**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:32 to 8:45 PM

ZBA members present: Jeff Williams, Barb Hazelton, Matt Lauria, Gary Greene and John McGrath

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

Recorded by TV79

**OPENING**

ZBA Chair Jeff Williams opened the meeting at 7:32 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENT**

Jeff Williams announced that the Public Hearing of Calendar No. 23-2023, the application of Nicholas Vitti and Murtha Cullina LLP on behalf of St John's Roman Catholic Church, 25 Camp Avenue, is postponed to April 19, 2023, at the applicant's request, due to a change in project plans.

**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. 1-2023** The application of Matt & Melissa Kelley submitted on January 18, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one-half story chimney addition; Section 406: 24.0 in lieu of 25.0 feet minimum required west side yard setback. The property is situated on the west side of Christie Hill Road at the Leeuwarden Road intersection and is shown on Assessor's Map #29 as Lot #101, being 131 Christie Hill Road and located in an R-1 (residential) Zone.

Melissa Kelley and Matt Kelley 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. 3-2023** The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Michael & Lauren Baraldi submitted on February 14, 2023 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch, and one story, two story, second story roof transition and covered entry additions; Section 406: 49.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Meadowbrook Road for the covered porch; and 53.9 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Meadowbrook Road for the additions. The property is situated on the south side of Meadowbrook Road accessed by a common driveway approximately 800 feet east of Brookside Road and is shown on Assessor's Map #14 as Lot #11, being 14 Meadowbrook Road and located in an R-1 (residential) Zone. Attorney Amy Zabetakis, architect Matt Dougherty and owner Mike Baraldi 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. 1-2023** - The application of Matt & Melissa Kelley, 131 Christie Hill Road. Upon a motion by Matt Lauria, seconded by Barb Hazelton, the ZBA voted 5-0 to GRANT the above delineated variance. Jeff Williams, Barb Hazelton, Matt Lauria, Gary Greene and John McGrath voted in favor of the motion.

**CALENDAR NO. 3-2023** - The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Michael & Lauren Baraldi, 14 Meadowbrook Road. Upon a motion by Gary Greene, seconded by Barb Hazelton, the ZBA voted 5-0 to DENY IN PART AND GRANT WITH STIPULATIONS the above delineated variances. Jeff Williams, Barb Hazelton, Matt Lauria, Gary Greene 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. Preliminary report of ZBA Committee considering the 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. Gary Greene noted that he, Jana Romine and ZBA staff have met and reviewed the circumstances with Town Counsel. He pointed out the deficiencies with the constructed Site Improvements that do not match the ZBA approved project plans. He said additional landscape improvements are being considered and Town Counsel is trying to find out more about what happened. He noted that improvements are for the owner's benefit also. Barb Hazelton said something more needs to be done before the project can be finalized.
2. Approval of Minutes of meeting on September 21, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, Jana Romine, and Barb Hazelton. Upon a motion by Barb Hazelton, seconded by Jeff Williams, the ZBA voted 3-0 to approve the subject minutes. Jeff Williams, Matt Lauria, and Barb Hazelton voted in favor of the motion.
3. Approval of Minutes of meeting on September 28, 2022. ZBA members attending this meeting were Jeff Williams, Matt Lauria, Dan Nalawade, Gary Greene and Barb Hazelton. Upon a motion by Matt Lauria, seconded by Gary Greene, the ZBA voted 4-0 to approve the subject minutes. Jeff Williams, Matt Lauria, Gary Greene, and Barb Hazelton voted in favor of the motion.
4. Approval of Minutes of meeting on October 19, 2022. ZBA members attending this meeting were Jeff Williams, Gary Greene, Jana Romine, Matt Lauria, Dan Nalawade, and Barb Hazelton. Upon a motion by Gary Greene, seconded by Barb Hazelton, the ZBA voted 4-0 to approve the subject minutes. Jeff Williams, Matt Lauria, Gary Greene, and Barb Hazelton voted in favor of the motion.
5. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Barb Hazelton, Gary Greene, Jana Romine, and Matt Lauria. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 4-0 to approve the subject minutes. Jeff Williams, Matt Lauria, Gary Greene, and Barb Hazelton voted in favor of the motion.
6. Approval of Minutes of meeting on November 16, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Dan Nalawade, Jana Romine, and Matt Lauria. Upon a motion by Matt Lauria, seconded by Jeff

Williams, the ZBA voted 2-0 to approve the subject minutes. Jeff Williams and Matt Lauria voted in favor of the motion.

7. Approval of Minutes of meeting on January 18, 2023. ZBA members attending this meeting were Kevin Fullington, Barb Hazelton, Jana Romine, Matt Lauria and John McGrath. Upon a motion by Matt Lauria, seconded by John McGrath, the ZBA voted 3-0 to approve the subject minutes. Matt Lauria, John McGrath, and Barb Hazelton voted in favor of the motion.
8. Review of Draft Policy regarding Outside Contacts with Members. It was questioned whether a formal policy is needed.
9. Possible scheduling of meeting with Town Counsel Wayne Fox to consider the justification value of reducing property nonconformities, recent case law and ZBA evaluation criteria. Gary Greene reported that at the recent Land Use Seminar it was stated that reducing nonconformities doesn't justify everything. The ZBA evaluation should consider whether failing to grant a variance eviscerates the value of the property. Owners are presumed to know the zoning limitations and issues with their property.
10. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests. Barb Hazelton reported that additional research is being done. ZBA staff noted that there appears to be useful flexibility within the Zoning regulations for the Planning & Zoning Commission.

## ADJOURNMENT

Upon a motion by Gary Greene, seconded by Matt Lauria, and a ZBA vote of 5-0, the meeting was adjourned at 8:45 PM.

These Meeting Minutes,  
Respectfully submitted May 11, 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 Barb Hazelton, seconded by Matt Lauria, approved by a vote of 4-0 at the ZBA meeting on May 24, 2023. Jeff Williams, Barb Hazelton, Matt Lauria and

John McGrath voted in favor of the motion. Gary Greene also previously indicated his approval.

ZBA/03.15.2023MtgMin