

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**September 27, 2023**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:32 to 9:17 PM

ZBA members present: Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria,  
and Gary Greene

Staff Present: Code Compliance Officer Robert Woodside and Recorder Karen Manz

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.

**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. 10-2023** The application of Nick DeMaio and Nick DeMaio Design Group on behalf of **Shauna Sullivan Reilly** submitted on May 15, 2023 for variances of Section 406 of the Darien Zoning Regulations, to allow the partial demolition, alteration and lifting of the existing house and the construction of covered porch, one story and second story additions; Section 406: 21.4 in lieu of 25.0 feet minimum required Cherry Street front yard setback; 9.1 in lieu of 25.0 feet minimum required Ash Street front yard setback and 34.1 in lieu of 50.0 feet minimum required Ash Street front setback as measured from the centerline of Ash Street; 6.7 in lieu of 8.0 feet minimum required east side yard setback; and construction of additional structure volume on a lot with 25.6 in lieu of 20.0% maximum building coverage. The property is situated on the north side of Cherry Street at the intersection of Ash Street and is shown on Assessor's Map #41 as Lot #46, being **24 Cherry Street** and located in an R-1/5 (residential) Zone. **Shauna Reilly and Nick DeMaio** answered various questions and explained the proposal depicted on the submitted plans and described in the application materials.

**Nikoletta Glekas** questioned an aspect of the application. The Public Hearing was then closed.

**CALENDAR NO. 14-2023** The application of Jeremy A. Hill and Happy Haus Design, LLC on behalf of **Joseph & Chelsea Valickus** submitted on August 21, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 41.7 in lieu of 50.0 feet minimum required front setback as measured from the centerline of Rose Lane. The property is situated on the west side of Holmes Avenue at the intersection of Rose Lane and is shown on Assessor's Map #25 as Lot #33, being **140 Holmes Avenue** and located in an R-1/5 (residential) Zone.

**Jeremy Hill** 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. 15-2023** The application of Nelson DaSilva, Jr. and **Building Brothers, LLC** submitted on August 22, 2023 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction of a one story house segment, and the construction of a deck, a gazebo, and second and attic story additions; Section 334: construction of additional residence structure volume on a lot with 140 in lieu of 200' minimum required lot width; and Section 406: 44.9 in lieu of 50.0 feet minimum required front yard setback and 29.7 in lieu of 35.0 feet minimum required side yard setback for the reconstruction; 29.7 in lieu of 35.0 feet minimum required side yard setback for the deck; and 28.0 in lieu of 35.0 feet minimum required side yard setback for the gazebo. The property is situated on the north side of Marianne Road approximately 1,100 feet east of the intersection of Brookside Road and is shown on Assessor's Map #1 as Lot # 91, being **20 Marianne Road** and located in an R-2 (residential) Zone.

**Nelson DaSilva** answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. **Art Bellis** objected to the application. The Public Hearing was then closed.

**CALENDAR NO. 16-2023** The application of Matthew Napolitano and **Bivona Developments, LLC** submitted on August 23, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 23.0 in lieu of 25.0 feet minimum required west rear yard setback. The property is situated on the east side of a common driveway known as Turnabout Lane approximately 150 feet south of the intersection of West Avenue and is shown on

Assessor's Map #40 as Lot #22, being 2 Turnabout Lane and located in an R-1/5 (residential) Zone.

**Gary Bivona** 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. 10-2023** - The application of Nick DeMaio and Nick DeMaio Design Group on behalf of Shauna Sullivan Reilly, 24 Cherry Street. Upon a motion by **Gary Greene**, seconded by **Kevin Fullington**, the ZBA voted 5-0 to **GRANT WITH STIPULATIONS** the above delineated variances. **Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and Gary Greene** voted in favor of the motion.

**CALENDAR NO. 14-2023** - The application of Jeremy A. Hill and Happy Haus Design, LLC on behalf of Joseph & Chelsea Valickus, 140 Holmes Avenue. Upon a motion by **Gary Greene**, seconded by **Kevin Fullington**, the ZBA voted 3-2 to **DENY** the above delineated variance. **Jeff Williams, Kevin Fullington, and Gary Greene** voted in favor of the motion. **Barb Hazelton and Matt Lauria** were opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is **Denied**.

**CALENDAR NO. 15-2023** - The application of Nelson DaSilva, Jr. and Building Brothers, LLC, 20 Marianne Road. Upon a motion by **Matt Lauria**, seconded by **Barb Hazelton**, the ZBA voted 5-0 to **DENY IN PART AND GRANT IN PART WITH STIPULATIONS** the above delineated variances. **Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and Gary Greene** voted in favor of the motion.

**CALENDAR NO. 16-2023** - The application of Matthew Napolitano and Bivona Developments, LLC, 2 Turnabout Lane. Upon a motion by **Kevin Fullington**, seconded by **Matt Lauria**, the ZBA voted 5-0 to **GRANT WITH STIPULATIONS** the above delineated variance. **Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and Gary Greene** 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. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, Gary Greene, and Jana Romine.  
Upon a motion by Jeff Williams, seconded by Kevin Fullington, the ZBA voted 5-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Kevin Fullington, Matt Lauria, and Barb Hazelton voted in favor of the motion.
2. Approval of Minutes of meeting on April 19, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and Gary Greene.  
Upon a motion by Jeff Williams, seconded by Gary Greene, the ZBA voted 5-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Kevin Fullington, Matt Lauria, and Barb Hazelton voted in favor of the motion.
3. Approval of Minutes of meeting on May 24, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and John McGrath.  
Upon a motion by Jeff Williams, seconded by Kevin Fullington, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Kevin Fullington and Barb Hazelton voted in favor of the motion.
4. Approval of Minutes of meeting on June 21, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and John McGrath.  
Upon a motion by Jeff Williams, seconded by Kevin Fullington, the ZBA voted 4-0 to APPROVE the subject minutes. Jeff Williams, Kevin Fullington, Matt Lauria, and Barb Hazelton voted in favor of the motion.
5. Approval of Minutes of meeting on July 12, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Matt Lauria, Jana Romine and John McGrath.  
Upon a motion by Jeff Williams, seconded by Matt Lauria, the ZBA voted 3-0 to APPROVE the subject minutes. Jeff Williams, Matt Lauria and Barb Hazelton voted in favor of the motion.

**ADJOURNMENT**

The meeting was adjourned at 9:17 PM.

These Meeting Minutes,  
Respectfully submitted September 28, 2023,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

These draft summary minutes were distributed and reviewed by the attending members, who indicated their approval via email concluded on October 6, 2023.

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by xxx, seconded by xxx, approved by a vote of #-0 at the ZBA meeting on date. xxxxxxxx voted in favor of the motion. xxxxxxxx also or previously indicated his/her/their approval. A TV 79 vimeo of the hearing and deliberation may also be available.

ZBA/09.27.2023MtgMin