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June 1, 2020

William R Lenich
Jacqueline Sue Angelilli
1 Siwanoy Drive
Darien, CT 6820

**Re: Calendar No. 10-2020
5 Tokeneke Trail**

Dear Sir or Madam:

We represent Charles L. Teschner, Jr., with respect to the above-referenced Application to the Darien Zoning Board of Appeals. The activities proposed in the application are described more fully in the enclosed Item K and legal notice.

The Darien Planning and Zoning Regulations require that notice be given to you of the public hearing on the Application, because you own property that abuts or lies within 100 feet of the perimeter of the property that is the subject of the Application.

A Public Hearing for this matter has been scheduled for 7:00 P.M. via GoToMeeting on Wednesday, June 17, 2020.

The application materials may be viewed at www.darienct.gov/zbapendingapplications.

If you have any questions, please contact us at (203) 656-3800 or contact the Town Planning and Zoning Department at (203) 656-7351.

Very truly yours,
Robert F. Maslan, Jr.

RFM/sm

Enclosure: Legal Notice
Item K

APPLICATION OF
CHARLES L. TESCHNER, JR.
5 TOKENEKE TRAIL

APRIL 22, 2020

ITEM K

The applicant is the record owner of the property located at 5 Tokeneke Trail. The applicant requests a variance of Section 825(d)(6) of the Zoning Regulations to allow the construction of a 160 square foot indoor sauna and changing room within a portion of the existing garage. In lieu of the current minimum floor elevation of 14 NAVD88, the proposed finished floor elevation of the sauna and changing room is 10.8 NAVD88. This is approximately the same elevation as the first (lowest) finished floor of the existing house. (Precise floor elevations could not be obtained due to governmental restrictions in effect to address the COVID19 pandemic.)

The subject property consists of 73,450± square feet of land, a single-family residence, a detached guest cottage, an inground swimming pool, and related improvements. The property lies between Tokeneke Trail and Pound Gut, upstream from Cross Road, and is located in the R-1 Residence Zone. The site includes a band of tidal and possibly inland wetlands along the Pound Gut coastline, and is partially in the Pound Gut floodway and partially in Flood Zone AE (el.13 NAVD88). The western portion of the site is in Flood Zone X.

The lot was shown as a separate building lot on a map entitled, "Map of Property to be Conveyed by Norton, Incorporated to Gordon Lamont and Elizabeth Lamont at Tokeneke, Darien, Conn.," dated December 1953, and recorded on the Darien Land Records as Map No. 2366. Apparently, the property was created prior to the 1951 adoption of the first subdivision regulations in Darien, or by first cut after the subdivision regulations were adopted in 1951. A copy of Map No. 2366 is annexed at A-5.

The Tax Assessor's Field Card for the property shows that the original house was built in 1961. Building Department records show that the inground swimming pool was built in 1963, and the guest house was built in 1969. These improvements complied with the applicable zoning regulations that were in effect when they were built, including the zoning setbacks. Copies of the Field Card and permits are annexed at A-6 to A-8.

In 2005, the then owners of the property obtained a variance (Cal. No. 55-2005) and coastal site plan approval (CSP #211 & Flood Damage Prevention Permit #228) to allow the existing house to be demolished and replaced with a new single-family residence with a first floor elevation at 13 NGVD29, without removing the swimming pool or guest cottage. The owners did not proceed with that project. A copy of the ZBA decision is annexed at A-9 to A-12.

In 2006, subsequent owners obtained a variance (Cal. No. 40-2006) and coastal site plan approval (CSP #211-A & Flood Damage Prevention Permit #228-A) to build two small additions to the main house. The 2006 variance allowed the first floor elevation of the existing house and the additions to remain at elevation 12.2 NGVD29 in lieu of the minimum 13.0 NGVD29. The approved elevation was 0.2 feet above the base flood elevation (BFE) in effect in 2006. Copies of the ZBA decision and the subsequent Building Permit are annexed at A-13 to A-16, and A-17, respectively.

The applicant purchased the property in 2009, and he and his wife, Ingrid Teschner, have lived there since then.

The proposed sauna and changing room will be installed within a portion of the existing attached garage. The existing garage floor is at elevation ± 9.5 NAVD88. The floor of the proposed sauna and changing room will be at elevation ± 10.8 NAVD88, and will match the existing, previously approved elevation of the first floor of the house. New French doors will open to a small landing and one or two steps to the adjacent outside grade. The roof of the existing garage, and the remaining portion of the garage will remain as is.

The hardship supporting the requested variance is based on the establishment and revision of the Flood Damage Prevention Regulations and the Flood Insurance Rate Maps (FIRMs). The existing house was built in the early 1960s, long before the first flood zones were established. FIRMs effective in 1981 and 1982 showed the BFE at elevation 12 NGVD29 (which converts to elevation 10.9 NAVD88), and a 2005 survey of the property showed only a portion of the house in Flood Zone A6, and the attached garage in Flood Zone B. By granting the 2006 variance to allow the existing house to remain in place, the Zoning Board of Appeals found a hardship to support a variance for both the existing first floor elevation, and the proposed addition floors at the same elevation.

The FIRM effective in 2010 showed the BFE at elevation 11 NAVD88, and expanded Flood Zone AE to include the entire house. The 2013 FIRM, which is in effect currently, shows the BFE at elevation 13 NAVD88 – two feet higher than the previous BFE. Excerpts of the 1982, 2010 and 2013 FIRMs are annexed at A-18, A-19 and A-20, respectively.

The 1981, 1982 FIRMs and corresponding regulations made the existing house nonconforming by placing a portion of the house in Flood Zone A6. In 2006, the Zoning Board of Appeals approved the then existing and proposed floor elevation by variance. The 2010 FIRM expanded Flood Zone AE to include the garage and the rest of the house. The 2013 FIRM increased the hardship by increasing the BFE by two feet. Without the requested variance, the floor elevation of the proposed sauna and changing room would have to be three feet higher than the previously approved floor elevation of the existing house.

In addition to the proposed sauna and changing room, the applicant has obtained permits for additional interior work on the existing house that does not require variances. The applicant is also applying for a flood damage prevention

permit for a new garage and connecting roof structure adjacent to the northwesterly end of the house. The garage and connector are shown on the proposed conditions survey accompanying this Application, as that work does not require a variance or any action by the Zoning Board of Appeals.

Photos of the existing garage are annexed at A-4.



Photo 1. Front of existing garage from driveway looking east.



Photo 2. Rear of existing garage from back yard patio looking southwest.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals (ZBA) of the Town of Darien, Connecticut will meet in Public Meeting Room 119 (by prior arrangement 203-656- 7351) of the Darien Town Hall, 2 Renshaw Road and via GoToMeeting, at 7:00 P.M. on Wednesday, June 17, 2020 or any adjournment or adjournments thereof, to conduct Public Hearings and/ or act on the following:

CALENDAR NO. 4-2020 The application of Lance E. Zimmerman, AIA and Zimmerman Architecture on behalf of Marie Gallagher submitted on February 18, 2020 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement 2½ story dwelling; Section 385: a determination that the subject lot is a legal non-conforming building lot with 8,847 in lieu of 14,520 square feet minimum required lot size and 49.9 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 49.9 in lieu of 80.0 feet minimum required lot width. The property is located on the west side of Noroton Avenue approximately 150 feet north of the intersection with Elm Street and is shown on Assessor's Map #21 as Lot #120, being 241 Noroton Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 5-2020 The application of James Bradshaw on behalf of Wenkai Bradshaw submitted on February 19, 2020 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 10.5 in lieu of 30.0 feet minimum required Patricia Lane front yard setback. The property is situated on the east side of Dubois Street at the southeast corner formed by the south intersection of Dubois Street and Patricia Lane and is shown on Assessor's Map #43 as Lot #90, being 20 Dubois Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 6-2020 The application of John & Bethany Lilliquist submitted on February 19, 2020 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 4.8 in lieu of 10.0 feet minimum required south side yard setback, 13.0 in lieu of 15.0 feet minimum required north side yard setback, and 17.8 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of the western segment of Walmsley Road approximately 100 feet south of the intersection with Hollow Tree Ridge Road and is shown on Assessor's Map #46 as Lot #108, being 42 Walmsley Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 8-2020 The application of Mark S. Lebow, PLS on behalf of Shima Amin/Marc Iyer submitted on March 24, 2020 for a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two and one-half story dwelling; Section 334: 178 in lieu of 200 feet minimum required lot width. The property is situated on the west side of Shady Acres Road approximately 800 feet south of Marianne Road and is shown on Assessor's Map #4 as Lot #8, being 11 Shady Acres Road and located in an R-1 (residential) Zone.

CALENDAR NO. 9-2020 The application of David J. Palombo and Palombo Architectural Design on behalf of **David & Anna Phelan** submitted on April 17, 2020 for a variance of Section 406 of the Darien Zoning Regulations, **to allow the construction of a one story foyer/closet and covered porch addition and wood stairs**; Section 406: 24.8 in lieu of 30.0 feet minimum required front yard setback for the addition; and 22.1 in lieu of 30.0 feet minimum required front yard setback for the stairs. The property is situated on the south side of the Old Stone Road cul de sac approximately 800 feet west of the intersection of Leroy Avenue and is shown on Assessor's Map #39 as Lot #41, being **19 Old Stone Road** and located in an R-1/3 (residential) Zone.

CALENDAR NO. 10-2020 The application of Robert F. Maslan, Jr., Esq. on behalf of **Charles L. Teschner, Jr.** submitted on April 28, 2020 for a variance of Section 825d6 of the Darien Zoning Regulations, **to allow the construction of a sauna and changing room within a portion of an existing garage**; Section 825d6: 10.8 in lieu of 14.0 feet minimum required floor elevation. The property is situated on the east side of Tokeneke Trail approximately feet south of the intersection of Old Farm Road and is shown on Assessor's Map #65 as Lot #37, being **5 Tokeneke Trail** and located in an R-1 (residential) Zone.

Plans and related application materials may be viewed at www.darienct.gov/zba/pending-applications. At the Public Hearing, interested persons may be heard and written communication may be received.

Mike Nedder, Chair
5/28

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**APPLICATION OF
CHARLES L. TESCHNER, JR.**

FOR

5 TOKENEKE TRAIL

APRIL 8, 2020

LIST OF NEIGHBORING PROPERTY OWNERS

Map 66 Lot 75 & 76	William R Lenich Jacqueline Sue Angelilli 1 Siwanoy Drive Darien, CT 6820
Map 66 Lot 74	Abigail Keeler Hord Jessee Johnson Hord 3 Siwanoy Drive Darien, CT 6820
Map 65 Lot 32-1	Joseph J Steuert TR Joseph J Steuert Revocable Trust 25 Old Farm Road Darien, CT 6820
Map 65 Lot 35	Timothy Brown TR Rebecca Rader Brown TR et al 30 Old Farm Road Darien, CT 6820
Map 65 Lot 34	Elizabeth Dale Thomas Dale 32 Old Farm Road Darien, CT 6820
Map 65 Lot 33A	Robert A Hammer Samantha A Hammer 34 Old Farm Road Darien, CT 6820
Map 65 Lot 33	Kenneth M Reiss Catherine Sylvia Reiss 36 Old Farm Road Darien, CT 6820

Map 66 Lot 83	Puri Punima Richard Barrera 170 East End Avenue 18 B/C New York, NY 10128
Map 65 Lot 36	Robert E P Meyjes Joan K Meyjes 3 Tokeneke Trail Darien, CT 6820
Map 65 Lot 11	Steven B Fitzpatrick Laura B Fitzpatrick 4 Tokeneke Trail Darien, CT 6820
Map 65 Lot 38	Harry R Hagey Jr Johanna M Hagey 7 Tokeneke Trail Darien, CT 6820
Map 65 Lot 10	Matthew E Sharp Martha M Sharp P O Box 1558 Pennington, NJ 8534
Map 65 Lot OS#2	Kevin O Kuryla Jennifer J Kuryla 9A Tokeneke Trail Darien, CT 6820
Map 65 Lot 2	Edward B Conway Erin R Conway 9A Tokeneke Trail Darien, CT 6820