

**REGULAR MEETING
AGENDA**

Wednesday, November 18, 2015 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARING

Opened on October 14, 2015 and continued to tonight, November 18, 2015 to allow clarification of the property survey. The previously seated ZBA members for this request are Vic Capellupo, Gary Green, Chuck Deluca, and Kevin Fullington.

CALENDAR NO. 46-2015

The application of William & Victoria Crane submitted on September 15, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one half story detached three-car garage; Section 406: 29.0 in lieu of 40.0 feet minimum required south rear yard setback. The property is situated on the north side of Hollister Lane approximately 330 feet east of the intersection with Old Kings Highway South and is shown on Assessor's Map #63 as Lot #83, being 3 Hollister Lane and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 50-2015

The application of Victor Lalanne submitted on October 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of front entry stairs, the construction of two story and second story additions, and the installation of HVAC equipment; Section 406: 3.5 in lieu of 30.0 feet minimum required front yard setback; 27.9 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 0.4 in lieu of 12.9 feet minimum required west side yard setback; 12.1 in lieu of 24.6 feet minimum required east side yards setback; and 12.5 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the south side of Wakemore Street approximately 800 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #237, being 33 Wakemore Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 51-2015

The application of Mark Lebow and William W. Seymour on behalf of Patricia Hemingway LLC submitted on October 16, 2015 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 60.1 in lieu of 80.0 feet minimum required lot width and 9,407 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 60.1 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Patricia Lane approximately 350 feet northeast from the southerly intersection with Dubois Street and is shown on Assessor's Map #43 and Lot #73, being 23 Patricia Lane and located in an R-1/3 (residential) Zone.

CALENDAR NO. 52-2015

The application of Sylvia Kohler submitted on October 19, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of a first floor garage and the construction of a second story addition; Section 406: 20.9 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the northeast corner of the intersection formed by Gardiner Street and Relihan Road and is shown on Assessor's Map #44 as Lot #1, being 75 Relihan Road and located in an R-1/5 (residential) Zone.

CALENDAR NO. 53-2015

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 1.8 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 23.2 feet minimum required east side yard setback; and 17.6 in lieu of 25.0 feet minimum required total of two side yard setbacks. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 54-2015

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Job & Ingebord Sandberg, owner, and Justin Scott, contract purchaser, submitted on October 21, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the lifting of the existing residence approximately 7', at 2.8 in lieu of 25.0 feet minimum required north side yard setback, 30.1 in lieu of 40.0 feet minimum required front yard setback, and 47.3 in lieu of 65.0 front yard setback as measured from the centerline of Pear Tree Point Road; to allow the lifting of the poolhouse approximately 8' and the conversion of to a habitable home office, at -3.1 in lieu of 25.0 feet minimum required north side yard setback. The property is situated on the west side of Pear Tree Point Road approximately 900 feet south of the northerly intersection with Long Neck Point Road and is shown on Assessor's Map #60 as Lot #51, being 47 Pear Tree Point Road and located in an R-1 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Requested extension to April 18, 2016, received October 13, 2015, to begin on-site construction for ZBA Calendar No. 18-2015, Equity One LLC dba Trader Joes, 430 Boston Post Road. The Public Hearing of this matter was April 8, 2015. Initial ZBA approval would have expired on October 17, 2015.
2. Requested amendment to the approved plans of Calendar No. 26-1988, Amanda Faulkner, 43 Hillside Avenue.
3. Requested amendment to the approved plans of Calendar No. 38-2015, Paul Harris and Cole Harris Associates on behalf of 14 Clocks Lane LLC, 14 Clocks Lane.
4. Approval of Minutes of application Calendar No. 41-2015, PR Partnership LLC dba Giovanis/Waters Edge, 2748 Boston Post Road, decided on October 14, 2015. ZBA members making this decision were Vic Capellupo, Gary Greene, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.
5. Approval of Minutes of meeting on September 9, 2015. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.
6. Approval of Summary Minutes of meeting on September 16, 2015. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

7. Approval of Minutes of meeting on October 14, 2015. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Kevin Fullington.
8. General **discussion of decision Resolutions and stipulations preparation**, 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.
9. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).