

REGULAR MEETING
AGENDA

Wednesday, May 20, 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.

PUBLIC HEARINGS

CALENDAR NO. 25-2015

The application of John & Bethany Lilliquist submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story

and covered porch additions; Section 406: 4.8 in lieu of 10.8 feet minimum required south side yard setback, 17.8 in lieu of 21.2 feet minimum required north side yard setback, and 22.6 in lieu of 25.0 feet minimum required total of two side yards setback for the second story; and 26.1 in lieu of 30.0 feet minimum required front yard setback for the porch. 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. 26-2015

The application of Beth Harrington-Howes and Beth Harrington-Howes LLC on behalf of Tucker & Meredith Martin submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and the installation of HVAC equipment; Section 406: 16.0 in lieu of 25.0 minimum feet required Leroy Avenue front yard setback and 37.2 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Leroy Avenue; 1.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 31.0 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the addition; 0.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 25.0 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the HVAC equipment; and construction of additional building volume on a lot with 44.25 in lieu of 20.0% maximum allowable building coverage. The property is situated on the southwest corner of the intersection of Shadbush Lane and Leroy Avenue and is shown on Assessor's Map #18 as Lot #15, being 89 Leroy Avenue and located in an R-1/5 (residential) Zone.

CALENDAR NO. 27-2015

The application of Jeffrey W. McDougal and William W. Seymour & Associates on behalf of Warrington Homes and M. Campbell & Paget R. MacColl submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement one story garage and two story additions; Section 406: 22.3 in lieu of 40.0 feet minimum required front yard setback and 34.3 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Searles Road. The property is situated on the west side of Searles Road at the southwest corner formed by its intersection with Cross Road and is shown on Assessor's Map #67 as Lot #87, being 22 Searles Road and located in an R-1 (residential) Zone.

CALENDAR NO. 28-2015

The application of Thomas J. Heagney and Heagney, Lennon & Slane LLP on behalf of Elk Homes Partners II LP submitted on April 15, 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 98.18 in lieu of 100.0 feet minimum required lot depth, and 10,006 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 lot with 98.18 in lieu of 100.0 feet minimum required lot depth. The property is situated on the west side of Gardiner Street approximately 100 feet north on the intersection with Concord Lane and is shown on Assessor's Map #46 as Lot #38, being 15 Gardiner Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 29-2015

The application of Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of Noroton Yacht Club Inc. submitted on April 16, 2015 for variances of Sections 416, 362 and 825 of the Darien Zoning Regulations; to allow the construction of a launch shed, a replacement two and one half story clubhouse, a two story sailing center, and the installation of dumpster enclosure fencing; Section 416: 18.1 in lieu of 30.0 feet minimum required front yard setback and 12.6 in lieu of 25.0 feet minimum required rear yard setback for the clubhouse; 4.6 in lieu of 25.0 feet minimum required rear yard setback for the launch shed; and 5.6 in lieu of 30.0 feet minimum required front yard setback for the sailing center; Section 362: installation of 6 in lieu of 4 feet maximum height fencing for the dumpster enclosure; and Section 825: construction of habitable space and installation of electrical and code required systems at 9.0 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south/southeast side of Baywater Drive approximately 100 feet east of the intersection with Plymouth Road and is shown on Assessor's Map #55 as Lots #96, 95 & 92, being 23 Baywater Drive and located in the R-NBD (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. Possible request to approve amended plans for ZBA Calendar No. 32-2014, PR Partnership, LLC dba Giovanni's – Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was July 16, 2014 and the deliberation concluded September 17, 2014.
2. Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.
3. Possible review of structure preservation plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.
4. Discussion of Verrillo v. Branford ZBA Appellate Court decision.
5. General discussion of 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.
6. 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).

ADJOURN