

REGULAR MEETING
AGENDA

Wednesday, October 14, 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 DELIBERATION

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.

Discussion, deliberation, and possible decision of Calendar No. 41-2015, William I. Haslun II, Esq. and Johnson, Haslun & Hogeman LLC on behalf of Giovanni's at Water's Edge and PR Partnership LLC, 2748 Boston Post Road, previously heard by the ZBA on July 15, 2015, September 9, 2015, and September 16, 2015. Decision deadline is November 20, 2015 (within 65 days after completion of the hearing on September 16th). After closing the hearing, the ZBA subsequently deliberated on September 16th and then determined to table this matter for further consideration at the October 14th meeting. The next scheduled regular ZBA meeting is November 18, 2015. Seated ZBA members for this request are Vic Capellupo, Gary Greene, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

PUBLIC HEARINGS

CALENDAR NO. 45-2015

The application of Tara & Brendan Sobolewski submitted on September 9, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of two story, second story, dormer, bilco door, and covered front porch additions; Section 406: 4.8 in lieu of 15.0 feet minimum required north side yard setback, 10.0 in lieu of 20.2 feet minimum required south side yard setback, and 14.8 in lieu of 25.0 feet minimum required total of two side yards setback for the two story and second story additions; 10.2 in lieu of 15.0 feet minimum required north side yard setback and 16.7 in lieu of 20.2 feet minimum required south side yard setback for the dormer additions; 9.0 in lieu of 15.0 feet minimum required north side yard setback for the bilco door; and 28.9 in lieu of 30.0 feet minimum required front yard setback for the covered porch. The property is situated on the west side of Fitch Avenue approximately 50 feet north of the intersection with Archer Lane and is shown on Assessor's Map #42 as Lot #117, being 25 Fitch Avenue and located in an R-1/3 (residential) Zone.

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.

CALENDAR NO. 47-2015

The application of Kelly Scallon submitted on September 16, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 9.0 in lieu of 10.0 feet minimum required south side yard setback, 26.5 in lieu of 30.0 feet minimum required front yard setback, and 41.5 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Fitch Avenue. The property is situated on the east side of Fitch Avenue approximately 130 feet north of the intersection with the Boston Post Road and is shown on Assessor's Map #41 as Lot #138, being 94 Fitch Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 48-2015

The application of Michael P. Murry and Ivey, Barnum & O'Mara and John Tavlarios on behalf of William Ferguson & John Tavlarios submitted on September 16, 2015 for a determination under Section 383b of the Darien Zoning Regulations: that the proposed repairs and alterations to the existing residence and to the detached cottage do not exceed 50% of the fair market value of those buildings; and that a variance is not required for the proposed repairs on a property with a nonconforming two residence use; or in the alternative a variance of the 50% limitation. The property is located on the west side of Noroton Avenue approximately 120 feet south of the intersection with Maple Street and is shown on Assessor's Map #43 and Lot #41, being 91 Noroton Avnue and located in an R-1/5 (residential) Zone.

CALENDAR NO. 49-2015

The application of Lance E. Zimmerman, AIA and Zimmerman Architecture on behalf of David & Michelle Donahue submitted on September 16, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 28.0 in lieu of 30.0 feet minimum required front yard setback and 43.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Catalpa Terrace. The property is located on the southeast corner of the intersection formed by Catalpa Terrace and Boston Post Road and is shown on Assessor's Map #54 as Lots #6&7, being 12 Catalpa Terrace and located in an R-1/3 (residential) Zone.

DELIBERATIONS

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 six month extension, received September 22, 2015, to obtain all required permits and begin on-site parking construction for ZBA Calendar No. 43-2014, Julie & Jack Hekker, 85 Goodwives River Road. House addition construction has begun, however the integral parking improvement has not. The Public Hearing of this matter was October 15, 2014. Initial ZBA approval would have expired on April 24, 2015. Following an April 1, 2015 request, on April 8, 2015 the ZBA granted a six month extension to October 24, 2015.
2. Requested clarification and amendment, received October 8, 2015, to the stipulations of ZBA Calendar No. 26-2015, Tucker & Meredith Martin, 89 Leroy Avenue. ZBA staff recommends the appointment of a subcommittee to look into this matter further. The ZBA members who handled this decision on May 20th were Gary Greene, Jeff Williams, Mike Nedder, Vic Capellupo, and Kevin Fullington
3. Discussion of September 29, 2015 Planning and Zoning Commission public hearing of recommended Zoning Regulation changes.
4. Discussion of Verrillo v. Branford ZBA Appellate Court decision, 347 Humphrey Street v. New Haven ZBA, and Variance Checklist provide by Town Counsel.
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).

ADJOURNMENT