

**REGULAR MEETING  
AGENDA**

Wednesday, January 15, 2014 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**

**CALENDAR NO. 56-2013**

Opened on November 13, 2013, continued December 11, 2013, and recontinued to tonight January 15, 2014. **The seated ZBA members for this request so far have been Chuck**

Deluca, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, Rich Wood, and Gary Greene (11/13 only). The applicant has provided extensions allowing the ZBA to continue the hearing to a later date. **However this hearing must be concluded by February 21, 2014 (within 100 days of it's November 13<sup>th</sup> opening)**. If the ZBA determines to continue this hearing further, the next scheduled meeting is on February 12, 2014.

The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 1-2014**

The application of Louann M. Heft and Arbonies King Vloek PC on behalf of Atwood & Cynthia Collins submitted on December 16, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front entry, the construction of a bay window, and the installation of a generator; Section 406: 51.8 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the covered front entry; 22.9 in lieu of 40.0 feet minimum required front yard setback and 33.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the bay window; 12.6 in lieu of 40.0 feet minimum required front yard setback, 22.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive, and 10.0 in lieu of 40.0 feet minimum required rear yard setback for the generator; and 26.2 in lieu of 20.0% maximum allowable buildable coverage. The property is situated on the north side of Edgehill Drive approximately 250 east of the intersection with Searles Road and is shown on Assessor's Map #67 as Lot #43, being 12 Edgehill Drive and located in an R-1 (residential) Zone.

### CALENDAR NO. 2-2014

The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Julio and Amy Serrano submitted on December 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of an enlarged garage and a second story addition; Section 406: 13.0 in lieu of 30.0 minimum feet required Concord Lane front yard setback. The property is situated on the northeast corner of the intersection of Hampton Road and Concord Lane and is shown on Assessor's Map #46 as Lot #22, being 8 Hampton Road and located in an R-1/3 (residential) Zone.

### CALENDAR NO. 3-2014

The application of Michael Haverland, AIA and Michael Haverland Architect, PC on behalf of Scott and Kristin Fine submitted on December 18, 2013 for a variance of Sections 339 and 406 of the Darien Zoning Regulations; to allow the construction of an arbor; Sections 339f and 406: 72.0 in lieu of 90.0 feet minimum required front yard setback. The property is situated on the south side of Pear Tree Point Road approximately 500 feet west of the southerly intersection with Long Neck Point Road and is shown on Assessor's Map #61 as Lots #25 and 25B, being 163 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. Approval of Minutes of meeting on November 13, 2013. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, and Rich Wood.

2. 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.
3. 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).