

REGULAR MEETING
AGENDA

Wednesday, July 16, 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.

PUBLIC HEARINGS

CALENDAR NO. 32-2014

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 June 18,

2014 for variances of Sections 381-387, 406, and 904 of the Darien Zoning Regulations; to allow the construction of a one story entry canopy addition; and modification of the front dropoff, parking, and landscape areas; 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; and 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. 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.

CALENDAR NO. 25-2014

The application of Mark Smith, P.E. and Alfred Benesch & Co. on behalf of Standard Realty, LLC submitted on May 21, 2014 for variances of Section 605 of the Darien Zoning Regulations; to allow the construction of a fuel island canopy; Section 605: 0 in lieu of 10 feet minimum required front yard setback and 23.9 in lieu of 20.0% maximum allowable building coverage. The property is located on the north side of the Boston Post Road approximately 70 feet east of the intersection with Garden City Road and is shown on Assessor's Map #42 as Lot #3, being 1927 Boston Post Road and located in the NB (Neighborhood Business - Commercial) Zone.

CALENDAR NO. 28-2014

The application of Dariusz Lesniewski submitted on June 6, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the previously constructed shed to remain; Section 406: 2.3 in lieu of 5.0 feet minimum required side yard setback; and 24.54 in lieu of 20.0% maximum allowable building coverage. The property is situated on the south corner of the intersection of Victory Drive and Devonshire Drive and is shown on Assessor's Map #47 as Lot #69, being 4 Devonshire Drive and located in an R-1/3 (residential) Zone.

CALENDAR NO. 30-2014

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of David G. Madon & Albertine L. Madon submitted on June 18, 2014 for an interpretation of Section 1122 and variances of Sections 406 and 825 of the Darien Zoning Regulations; to allow the construction of a one story turret feature, a trellis, a one story kitchen addition and other improvements; Section 1122: an interpretation that the southeast property line is a side rather than a rear property line; or variances of Section 406: 25.1 in lieu of 40.0 feet minimum required southeast rear yard setback for the turret and 37.5 in lieu of 40.0 feet minimum required southeast rear yard setback for the trellis; and a variance of Section

825: substantial improvements to a residence with 13.3 and 12.9 in lieu of 14.0 feet minimum required floor elevation; and to allow certain equipment to remain below the minimum flood elevation of 13.0. The property is situated on the northwest side of the Shennamere Road cul-de-sac approximately 500 feet south of the intersection with Contentment Island Road and is shown on Assessor's Map #68 as Lot #10, being 15 Shennamere Road and located in an R-1 (residential) Zone.

CALENDAR NO. 31-2014

The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Pearson Cain Properties LLC submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 10.0 in lieu of 15.0 feet minimum required north side yard setback and 51.6 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Raymond Heights. The property is situated on the west side of Raymond Heights approximately 400 feet northwest of the intersection with Raymond Street and is shown on Assessor's Map #36 as Lot #88, being 13 Raymond Heights and located in an R-1/2 (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 amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.
2. Requested amendment to the approved plans of Calendar No. 15-2013, Ashley & Matt Cole, 23 Chestnut Street.

3. Approval of Minutes of meeting on May 14, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.
4. Approval of 2015 Meeting Schedule.
5. Possible requested interpretation of the resolution of Calendar No. 20-2014, 145 NWL LLC, 145 Nearwater Lane.
6. 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.
7. 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).