

REGULAR MEETING
AGENDA

Wednesday, November 12, 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.

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. 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 HEARINGS

CALENDAR NO. 48-2014

The following hearing was opened on October 22, 2014, and continued to tonight, November 12, 2014. The previously seated ZBA members for this request are Vic Capellupo, Jeff Williams, Mike Nedder, Gary Greene, and Chuck Deluca. Rich Wood or

Kevin Fullington has also reviewed the application materials, a tape recording of the October 22nd segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an extension allowing the ZBA to continue this hearing until a later meeting date. The next scheduled regular ZBA meetings are December 10, 2014 and January 14, 2015. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Stephen Jones and Jones Green Design on behalf of Trimodia, LLC/Ronald Malloy submitted on September 17, 2014 for an interpretation of Section 385 and variances of Sections 334, 406 and 906 of the Darien Zoning Regulations; to allow the construction of a two story replacement house with parking and AC equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 47.8 in lieu of 80.0 feet minimum required lot width, and 7,028 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 47.8 in lieu of 80.0 feet minimum required lot width; Section 406: 10.0 in lieu of 30.0 feet minimum required Herman Avenue front yard setback, and 5.6 in lieu of 10.0 feet minimum required east side yard setback for the house; 7.7 in lieu of 10.0 feet minimum required east side yard setback for the AC equipment; 20.8 in lieu of 20.0 percent maximum allowable building coverage; and Section 906.3: portions of the two required parking spaces extending to 1.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Edgewood Road and Herman Avenue and shown on Assessor's Map #20 as Lot #79, being 34 Herman Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 23-2014

The following hearing was opened on September 17, 2014, continued on October 15, 2014, recontinued on October 22, 2014, and recontinued to tonight, November 12, 2014. The previously seated ZBA members for this request are Vic Capellupo, Jeff Williams, Mike Nedder, Rich Wood and Kevin Fullington. The applicant has provided an extension allowing the ZBA to continue this hearing to the next scheduled meeting on November 12, 2014. The applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than December 26, 2014 (up to 100 total days from their September 17 opening). The next scheduled regular ZBA meeting is December 10, 2014.

The application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik submitted on May 21, 2014 for variances of Sections 406 and 906.3 of the Darien Zoning Regulations; to allow the construction of a two-story addition, to allow the existing chimney to remain, and to allow a replacement parking space within setback spaces; Section 406: 11.4 in lieu of 12.4 feet minimum required north side yard

setback; 12.6 in lieu of 13.6 feet minimum required south side yard setback; and 24.0 in lieu of 25.0 feet minimum required total of two side yard setbacks for the addition; and Section 906.3: 21.5 in lieu of 30.0 feet minimum required front yard setback; and 1.1 in lieu of 10.0 feet minimum required north side yard setback for one of the two required parking spaces. The subject property is situated on the west side of Hillcrest Avenue approximately 800 feet north of its intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #38, being 10 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 51-2014

The application of Brian Malcarney on behalf of Geneva LLC doing business as Rory's Restaurant submitted on September 19, 2014 for variances of Sections 383 and 625 of the Darien Zoning Regulations; to allow the existing covered and enclosed entry structure to remain; Section 383: enlargement of a non-conforming use of building; and Section 625: 16.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by Boston Post Road and Old Kings Highway North and shown on Assessor's Map #32 as Lot #22, being 416 Boston Post Road and located in the DB-2 (Designed Business Two – commercial) Zone.

CALENDAR NO. 52-2014

The application of Mark Bartolone AIA and MCS Bartolone Arch. AIA on behalf of Joseph Bartolone submitted on October 15, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a chimney; Section 406: 7.0 in lieu of 8.3 feet minimum required north side yard setback; 16.7 in lieu of 18.0 feet minimum required south side yard setback and 23.7 in lieu of 25.0 feet total of two side yard setback. The property is located on the east side of Fairfield Avenue approximately 800 feet north of West Avenue and shown on Assessor's Map #20 as Lot #128, being 18 Fairfield Avenue and located in the R-1/3 (residential) Zone.

CALENDAR NO. 53-2014

The application of Nina Cuccio Peck and Nina Cuccio Peck Architects on behalf of Ed & Deidre Hogan submitted on October 15, 2014 for an amendment of the previously approved plans of ZBA Calendar No. 66-1995 and a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and alteration of architectural features; Section 406: 63.1 in lieu of 65.0 feet minimum required front yard setback. The property is situated on the southeast corner of the intersection formed by

Five Mile River Road and Berry Lane and shown on Assessor's Map #66 as Lot #51, being 1 Berry Lane and located in the R-1/2 (residential) Zone.

CALENDAR NO. 54-2014

The application of Stephanie Mark and Residential Design Services on behalf of Mayank Misra & Roopali Misra submitted on October 15, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of two story, second story, and replacement porch additions; Section 406: 6.9 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the east side of Hazel Street approximately 200 feet north of the intersection with West Avenue and shown on Assessor's Map #24 as Lot #19, being 31 Hazel Street and located in the R-1/3 (residential) Zone.

CALENDAR NO. 55-2014

The application of David Ingraham submitted on October 16, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and alteration of the detached garage; Section 406: 18.7 in lieu of 25.0 feet minimum required front yard setback for the addition; and 4.5 in lieu of 5.0 feet minimum required accessory structure side yard setback. The property is situated on the southeast corner of the intersection of Casement Street and Dubois Street and shown on Assessor's Map #43 as Lot #23, being 33 Casement Street and located in the R-1/3 (residential) Zone.

CALENDAR NO. 56-2014

The application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien submitted on October 17, 2014 for an interpretation of Section 210 and/or a variance of Section 825 of the Darien Zoning Regulations; to allow the construction of interior alterations to the A Better Chance building; Section 210: an interpretation of "substantial improvement" relative to this property; and Section 825: maintenance of existing lower level space at 51.4 in lieu of 53.1 minimum required floor elevation. The subject property is situated on the southeast corner formed by the intersection of Boston Post Road and Brookside Road and shown on Assessor's Map #16 as Lots #92, 93, 94 & 95, being 11 Brookside Road and located in the DB-1 (commercial) 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. Discussion of Planning and Zoning Commission update of the Plan of Conservation and Development.
2. Approval of Minutes of meeting on September 10, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Ruth Anne Ramsey, Mike Nedder, and Rich Wood.
3. Approval of Minutes of meeting on September 17, 2014. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, Kevin Fullington, and Rich Wood.
4. Approval of Minutes of meeting on October 15, 2014. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, Kevin Fullington, and Rich Wood.
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