

**REGULAR MEETING
AGENDA**

Wednesday, January 16, 2013 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. And 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 HEARINGS

CALENDAR NO. 45-2012

The following application hearing was opened on October 17, 2012 and immediately continued to November 14, 2012 at the applicants' request due to design

reconsiderations. The hearing was reopened on November 14, 2012 and immediately recontinued to December 12, 2012 at the applicants' request due to design reconsiderations. The hearing was reopened on December 12, 2012 and immediately recontinued to tonight January 16, 2013 at the applicants' request due to design reconsiderations. Since no testimony, comment, or additional information was provided to the ZBA on October 17th, November 14th, or December 12th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight January 16, 2013 as previously extended. However, if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until January 25, 2013 (up to 100 total days from its October 17th opening). The next scheduled regular ZBA meeting is January 23, 2013.

The application of Kathleen and Hugh Golden filed on September 19, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 80.0 in lieu of 100.0 feet minimum required lot width, and 16,795 in lieu of 21,780 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 80.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the south side of Sunset Road approximately 1,000 feet east of the intersection of Mansfield Avenue and Sunset Road and is shown on Assessor's Map #15 as Lot #80, being 22 Sunset Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 51-2012

The following application hearing was opened on December 12, 2012 and immediately continued to January 9, 2013 at the applicants' request due to the lack of a full 5 member panel on December 12th. The hearing was reopened on January 9th and recontinued at the applicant's request to tonight January 16, 2013. Since no testimony, comment, or additional information was provided to the ZBA on December 12th or January 9th the seated ZBA panel for this request is those members present tonight. This hearing must be completed by January 16, 2013 (within 35 days after its December 12th opening). However, if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing up to 100 total days from its December 12th opening. The next scheduled regular ZBA meetings are January 23, 2013 and February 13, 2013.

The application of Luke Raymond filed on November 14, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of a propane tank; Section 406: 9.7 in lieu of 15.0 feet minimum required south side yard setback, and 21.36% in lieu of 20.0% maximum allowable coverage. The property is situation on the east side of Nearwater Lane approximately 80 feet south of the intersection of Nearwater Lane and Shipway Road and is shown on Assessor's Map #55 as Lot #2,

being 178 Nearwater Lane and located in the R-NBD (Noroton Bay District - Residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 56-2012

The application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto filed on December 19, 2012 for an interpretation under Section 337 and variances of Sections 332 and 334 of the Darien Zoning Regulations, to allow the construction of two residences; Section 337: a determination as to the proper application of the Zoning Regulation requirements; Section 332: 0.0 in lieu of 50.0 feet minimum required lot frontage on a street; Section 334: construction on a portion of a lot with 97.0 in lieu of 100.0 feet minimum required lot depth. The property is situated at the end of a right of way on the north side of Raymond Street approximately 380 feet east of the intersection of Cliff Avenue and Raymond Street and is also situated at the end of Carolyn Court approximately 300 feet west of the intersection of Carolyn Court and Rowayton Avenue in Norwalk and is shown on Assessor's Map #36 as Lots #107 and 108, being 000 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 57-2012

The application of Douglas VanderHorn and Hilton-VanderHorn Architects on behalf of Heather and Mark Wright filed on December 19, 2012 for variances of Sections 416 and 350 of the Darien Zoning Regulations, to allow the raising of the existing residence, the construction of additions and entry stairs and the installation of a generator; Section 416: 25.9 in lieu of 30.0 feet minimum required Waverly Road front yard setback, 24.2 in lieu of 30.0 feet minimum required Shipway Road front yard setback and 14.5 in lieu of 15.0 feet minimum required side yard setback for the residence and additions; 10.5 in lieu of 15.0 feet minimum required side yard setback for the generator; construction of additional building volume on a lot with 20.3 in lieu of 20.0% maximum allowable building coverage; and Section 350: 21.6 in lieu of 27.0 minimum required Waverly Road front yard setback and 24.4 in lieu of 27.0 minimum required Shipway Road front yard setback for the entry stairs. The property is situated at the southwest corner of the intersection of Shipway Road and Waverly Road and is shown on Assessor's Map #55 as Lot #26, being 26 Waverly Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

CALENDAR NO. 58-2012

The application of Chad Nehring, AIA and Nehring + Associates Architecture on behalf of Peter Sikora filed on December 19, 2012 for variances of Sections 416 and 350 of the

Darien Zoning Regulations, to allow the raising of the existing residence, the construction of additions and entry stairs; Section 416: 12.0 in lieu of 15.0 feet minimum required north side yard setback, 13.5 in lieu of 15.0 feet minimum required south side yard setback, and 26.0 in lieu of 30.0 feet minimum required front yard setback for the residence and additions; if necessary, construction of additional building volume on a lot with 25.67 in lieu of 20.0% maximum allowable building coverage; and Section 350: 20.0 in lieu of 27.0 feet minimum required front yard setback for the entry stairs. The property is situated on the west side of Mayflower Road approximately 385 feet south of the intersection of Mayflower Road and Shipway Road and is shown on Assessor's Map #55 as Lot #45, being 16 Mayflower Road and located in the R-NBD (Noroton Bay District – Residential) Zone.

CALENDAR NO. 59-2012

The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Kleban Day Street, LLC filed on December 19, 2012 for an appeal under Section 1122 of the Darien Zoning Regulations of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer, in order to allow a first floor personal service business use. The property is situated at the southwest corner formed by the intersection of Boston Post Road and Day Street and is shown is Assessor's Map #73 as Lot #15, being 1015 Boston Post Road and located in the CBD (commercial) Zone.

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, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested amendment to the approved plans of Calendar No. 27-2012, Alexander & Diviya Magaro, 203 Long Neck Point Road.
3. Approval of Summary Minutes of meeting on December 12, 2012. ZBA members attending this meeting were Vic Capellupo, Ruth Anne Ramsey, Rich Wood and John Ashburne.
4. Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

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).