

REGULAR MEETING
AGENDA

Wednesday, March 20, 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.

PUBLIC HEARINGS

CALENDAR NO. 10-2013

The application of Mark S. Lebow and William W. Seymour & Assoc. on behalf of John & Michelle Sini filed on February 13, 2013 for variances of Sections 406, 906.3, 226 and 227

of the Darien Zoning Regulations, to allow the construction of an enlarged replacement two-story garage with living space above, AC equipment and parking; Section 406: 17.5 in lieu of 40.0 feet minimum required front yard setback and 42.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Point O' Woods Road for the structure; 35.5 in lieu of 40.0 feet minimum required Point O' Woods Road front yard setback for the AC equipment; Sections 906.3, 226 and 227: development of one required off-street parking space within the required 40' Point O' Woods Road and/or Birch Road front yard setback spaces without the required 24' onsite backup space; and development of one required off-street parking space in a garage within the required 40' Point O' Woods Road front yard setback space and 16' in lieu of the minimum required 20.0' depth and having 17.5' in lieu of 24' required onsite backup space. The property is situated on the east side of Birch Road on the southeast corner of the intersection of Birch Road and Point O' Woods Road and is shown on Assessor's Map #13 as Lot #32, being 36 Birch Road and located in the R-1 (residential) Zone.

CALENDAR NO. 11-2013

The application of Victoria Trepp filed on February 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator; Section 406: 1.5 in lieu of 40.0 feet minimum required rear yard setback. The property in an interior lot situated on the west side of Driftway Lane approximately 750 feet north of the intersection of Driftway Lane and Old Farm Road and is shown on Assessor's Map #66 as Lot #125, being 28 Driftway Lane and located in the R-1 (residential) Zone.

CALENDAR NO. 12-2013 To be opened and continued to April 10, 2013

The application of Wilder G. Gleason, Esq and Gleason & Associates LLC on behalf of ASL Partners LLC filed on February 13, 2013 for an interpretation of Section 371 or a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a 5'-7 1/8" wide x 9'-9 3/8" high cupola; Section 371: a determination that the proposed cupola may be excused from the building height limitations; or Section 406: 34.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 1,000 feet south of the intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #9, being 203 Long Neck Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 13-2013

The application of Richard Vail, R.A. and Faesy-Smith Architects PC on behalf of Mary and Mark Radin filed on February 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations, to allow the re-construction of an existing covered porch/portico and the construction of a second and attic floor addition; Section 406: 28.0 in lieu of 40.0 feet minimum required front yard setback for the portico, and 34.7 in lieu of 40.0 feet minimum required front yard setback for the addition. The property is situated on the

east side of Hollow Tree Ridge Road approximately 170 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #121, being 350 Hollow Tree Ridge Road and located in an R-1 (residential) Zone.

CALENDAR NO. 14-2013

The application of John J. Ryan, Esq. and Russo & Associates, LLC and Lucien Vita Design on behalf of Ron & Grace Kehle filed on February 13, 2013 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the construction of a replacement 2 story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 24,435 in lieu of 43,560 square feet minimum required lot size and 101.0 in lieu of 150.0 feet minimum required lot width and 118.0 in lieu of 150.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 101.0 in lieu of 150.0 feet minimum required lot width and 118.0 in lieu of 150.0 feet minimum required lot depth. The property is situated on the east side of the cul-de-sac of Cedar Gate Road approximately 600 feet south of the intersection of Wild Rose Lane and Cedar Gate Road and is shown on Assessor's Map #64 as Lot #70, being 64 Cedar Gate Road and located in an R-1 (residential) Zone.

CALENDAR NO. 15-2013

The application of Ashley and Matt Cole filed on February 13, 2013 for an amendment to the approved plans of Calendar No. 5-2012 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one half story residence with an attached two car garage and HVAC equipment; Section 334: construction with adequate related site improvements on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Chestnut Street approximately 230 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #55, to be known as 23 Chestnut Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 16-2013

The application of Penny Glassmeyer on behalf of Searles Road Properties LLC filed on February 13, 2013 for variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the installation of a replacement generator; Section 334: installation of equipment on a portion of the lot with 99.0 in lieu of 150.0 minimum feet required lot depth; and Section 406: 58.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Searles Road, and 20.5% in lieu of 20.0% maximum allowable building coverage. The property is located on the west side of Searles Road approximately 400 feet south of the intersection of Cross Road and Searles Road and located opposite the north intersection of Edgehill Drive and Searles Road and is shown

on Assessor's Map #67 as Lot #86, being 26 Searles Road and located in the R-1 (residential) 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. 6 - 2012 (the former Aquarion application), Gabriela Mocanu & Hassan Shakir, 27 Chestnut Street.
3. Approval of Minutes of meeting on January 23, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.
4. Review of Summary Meeting Minutes preparation, and possible approval procedure adjustments.
5. Review of Executive Session procedures.
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).