

REGULAR MEETING
AGENDA

Wednesday, May 15, 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. 11-2013

Opened on March 20, 2013, continued April 10, 2013, and recontinued to tonight May 15, 2013 at the applicant's request. The previously seated ZBA members for this request are

Vic Capellupo, Jeff Williams, John Ashburne, and Gary Greene. Ruth Anne Ramsey and Rich Wood have also reviewed the application materials, and the submitted documents in order to be 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 additional extension allowing the ZBA to continue this hearing until no later than June 28, 2013 (up to 100 total days from its March 20 opening). The next scheduled regular ZBA meetings are May 22, 2013, June 19, 2013 and June 26, 2013. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

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. 21-2013

Opened on April 10, 2013 and immediately continued to tonight, May 15, 2013 at the applicants' requests due to plan complications. Since no testimony, comment, or additional information was provided to the ZBA on April 10, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by May 22, 2013 (within 35 days after its April 10 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 April 10 opening. The next scheduled regular ZBA meetings are May 22, 2013 and June 19, 2013.

The application of Wilder G. Gleason, Esq. and Gleason Associates LLC on behalf of Robert H. Brocking and Joy L. Brocking and contract purchasers Loren Meyer and Paige Ridley filed on March 13, 2013 for an amendment to ZBA Calendar No. 63-2012 and a variances of Sections 666 and 926.3 of the Darien Zoning Regulations; to allow a revised parking layout and a ground sign; with respect to submitted Site Plan dated 3-7-13; an amendment of ZBA Calendar No. 63-2012 to delete Stipulations 2 and 3; Section 666b: 5.0 in lieu of 65.0 feet minimum required setback from the Cross Street street line for the parking and 25.8 in lieu of 65.0 feet minimum required setback from the Old Kings Highway South street line for the parking; and Section 926.3: 24.8 in lieu of 30.0 feet minimum required Cross Street front yard setback for the sign and 15.8 in lieu of 30.0 feet minimum required Old Kings Highway South front yard setback for the sign; or with respect to submitted Site Plan dated 3-13-13; an amendment of ZBA Calendar No. 63-2012 to delete Stipulation 2 and modify Stipulation 3; Section 666b: 5.9 in lieu of 65.0 feet minimum required setback from the Cross Street street line for the parking and 6.0 in lieu of 65.0 feet minimum required setback from the Old Kings Highway South street line for the parking; and Section 926.3: 14.5 in lieu of 30.0 feet minimum required Cross Street

front yard setback for the sign and 25.0 in lieu of 30.0 feet minimum required Old Kings Highway South front yard setback for the sign. The property is situated on the northwest corner of the intersection formed by Cross Street and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #19, being 164 Old Kings Highway South and located in the SB (commercial) Zone.

PUBLIC HEARINGS

CALENDAR NO. 25-2013

The application of Richard & Karyn Conway filed on April 15, 2013 for variances of Sections 406, 904 and 906.3 of the Darien Zoning Regulations; to allow the construction of one and one half, and second story additions and alterations to parking; Section 406: 6.3 in lieu of 12.0 feet minimum required north side yard setback, 16.3 in lieu of 25.0 feet minimum required total side yards setback; and Sections 904 and 906.3: reduction to currently nonconforming parking area. The property is situated on the west side of Fitch Avenue approximately 300 feet south of the intersection of Dickinson Road and Fitch Avenue, found on Assessor's Map #42 as Lot #16, being 77 Fitch Avenue and located in the R-1/3 (residential) Zone.

CALENDAR NO. 27-2013

The application of Penny Glassmeyer and Baywater Properties on behalf of Baywater 745BPR, LLC filed on April 16, 2013 for variances of Section 924 of the Darien Zoning Regulations; to allow the installation of a monument sign; Section 924: installation of a monument sign where none is permitted, in lieu of a hanging sign, and 16.6 in lieu of 6.0 square feet maximum allowable sign area utilizing the hanging sign standards. The subject property is on the northwest corner formed by the intersection of Academy Street and Boston Post Road and is shown on Assessor's Map #16 as Lots #15 and #16, being 745 Boston Post Road and located in the DB-1 (commercial) and R-1/3 (residential) Zones with a DBR (Designed Business and Residential) Zoning Overlay.

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. Approval of Minutes of meeting on March 20, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Stephen Olvany, and John Ashburne.
3. Approval of Minutes of meeting on April 10, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Stephen Olvany, and John Ashburne.
4. 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.
5. 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).