

REGULAR MEETING
AGENDA

Wednesday, June 26, 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.

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

Opened on June 19, 2013 and immediately continued to tonight, June 26, 2013 at the applicants' requests due to the lack of a full 5 member panel on June 19th. Since no testimony, comment, or additional information was provided to the ZBA on June 19th,

the seated ZBA panel for this request is those members present tonight. These hearings must be completed by July 24, 2013 (within 35 days after their June 19th opening). The next scheduled regular ZBA meeting is July 17, 2013.

CALENDAR NO. 33-2013 The application of Carol Matton filed on May 8, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two-story addition; Section 406: 19.8 in lieu of 25.0 feet minimum required west rear yard setback. The subject property is an interior lot accessed from a common driveway approximately 200 feet west of the intersection of Old Farm Road and Searles Road and is shown on Assessor's Map #66 as Lot #96, being 47 Old Farm Road and located in the R-1/2 (residential) Zone.

CALENDAR NO. 34-2013 The application of McKee Patterson and Austin Patterson Disston on behalf of Richard and Wendy Hokin filed on May 14, 2013 for variances of Sections 331 and 402 of the Darien Zoning Regulations; to allow a portion of the existing residence to remain until the proposed replacement residence is completed; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The subject property is located on the south side of Shipway Road, approximately 300 feet east of the intersection with Plymouth Road and Shipway Road, and is shown on Assessor's Map #55 as Lot #126, being 25 Shipway Road and located in the R-1 (residential) Zone.

CALENDAR NO. 36-2013 The application of Mark Lebow and William W. Seymour & Associates on behalf of Thomas & Patricia Darling filed on May 22, 2013 for an interpretation under Section 337 and variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the construction of a one story addition and a roofed front entry; Section 337: a determination of the property line definitions and the applicable setbacks; Section 406: 26.5 in lieu of 30.0 feet minimum required front yard setback and 51.5 in lieu of 55.0 feet minimum required as measured from the center line of Glenwood Drive; if necessary 13.3 in lieu of 15.0 feet minimum required south side yard setback, 23.3 in lieu of 25.0 feet minimum required total of two side yards setback; and Section 334: construction on a portion of the lot with 90.4 in lieu of 100.0 feet minimum required lot depth. The property is situated on the southwest corner formed by the intersection of Devonshire Road and Glenwood Drive, and is shown on Assessor's Map #47 as Lot #80, being 12 Glenwood Drive, and located in the R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 38-2013

The application of Douglas VanderHorn and Douglas VanderHorn Architects on behalf of Charlotte and John Suhler filed on May 22, 2013 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 residence, detached garage and generator shed; Section 385: a determination that the subject lot is a legal nonconforming building lot 135.0 in lieu of 150.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 135.0 in lieu of 150.0 feet minimum required lot width. The property is situated on the west side of Long Neck Point Road approximately 1,400 feet south of the south intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #18C, being 200 Long Neck Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 40-2013

The application of Edward and Elena Den Dooven filed on May 22, 2013 for variances of Sections 315 and 406 of the Darien Zoning Regulations; to allow the establishment of a second building lot; Section 315: allowing the regulations for the less restricted R-1/3 portion of the lot to extend into the more restricted R-1/2 portion of the lot; and/or Section 406: establishment of a building lot with 14,757 in lieu of 21,780 minimum required square feet, and 80.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the east side of Hoyt Street opposite the intersection of Heather Lane and Hoyt Street and is shown on Assessor's Map #29 as Lot #11, being 123 Hoyt Street and located in R-1/3 and R-1/2 (residential) Zones.

CALENDAR NO. 41-2013

The application of Law Office of Bruce Hill, LC on behalf of Darien Community Association, Inc. filed on May 22, 2013 for variances of Sections 406 and 362 and/or an interpretation of Section 362 of the Darien Zoning Regulations; to allow the installation of 6, 10 foot high light poles and 8 foot high deer fencing; Section 406: 12.5 in lieu of 25.0 feet minimum required side yard setback for the light poles; and Section 362: 8 in lieu of 6 foot maximum allowable fence height within the front side and rear yard setback spaces, or an interpretation that the fencing falls within the Special Permit use exception. The property is situated on the south side of Middlesex Road opposite the intersection of Holly Lane and Middlesex Road and is shown on Assessor's Map #20 as Lot #42, being 274 Middlesex Road and located in an 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 decision of 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. This matter was previously heard by the ZBA on March 20, April 10, and May 15, 2013. After additional review of the submitted application materials and the Public Hearing presentations, the seated ZBA members for this request are Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Rich Wood.*
2. 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.
3. Status of compliance with the approved plans of Calendar No. 55-2008, Tov and Kate Haueisen, 103 West Avenue.
4. Status of compliance with the approved plans of Calendar No. 26-2012, Paul F. & Amy J. Darrah, 11 Peabody Lane.
5. Possible requested determination and status of efforts to obtain all required permits and begin on-site construction for ZBA Calendar No. 27-2012, regarding the building height determination, Alexander & Diviya Magaro, 203 Long Neck Point Road. The Public Hearing of this matter was June 20, 2012, July 18, 2012 and July 25, 2012. Initial ZBA approval expired on February 3, 2013 without any extension request.
6. Possible requested six month extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 12-2013, regarding the cupola determination, ASL Partners LLC (formerly Alexander & Diviya Magaro), 203 Long Neck Point Road. The Public Hearing of this matter was March 20, 2013 and April 10, 2013. Initial ZBA approval expires on October 19, 2013.
7. Possible requested amendment to a stipulation, of ZBA Calendar No. 26-2013, regarding overhangs removal, Edmund & Rosanne Fitzmaurice, 2 Clock Avenue. The Public Hearing of this matter was May 22, 2013.
8. Review and approval of 2014 Meeting Schedule.
9. Election of Officers.
10. 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.

11. 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).