

REGULAR MEETING
AGENDA

Wednesday, July 17, 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. 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.

PUBLIC HEARINGS

CALENDAR NO. 35-2013

The application of Michael T. Nedder, Esq. on behalf of Jennifer Lia filed on May 22, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of

a two story addition and installation of AC and propane tank equipment; Section 406: 29.0 in lieu of 35.0 feet minimum required side yard setback for the addition, 28.0 in lieu of 35.0 feet minimum required side yard setback for the AC equipment, and 33.0 in lieu of 35.0 feet minimum required side yard setback for the propane tank. The property is situated on the north side of Tower Drive approximately 100 feet east of the intersection with Tower Lane and is shown on Assessor's Map #1 as Lot #127, being 33 Tower Drive, and located in the R-2 (residential) Zone.

CALENDAR NO. 42-2013

The application of William Roman and Roman Remodeling llc on behalf of Jacqueline Judge filed on June 19, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the raising of the existing residence with the construction of modified entry staircases and deck features; Section 406: 37.0 in lieu of 30.0 feet maximum allowable building height. The property is an interior lot accessed by a common driveway situated on the west side of Nearwater Lane approximately 430 feet south of the intersection with Nickerson Lane and is show on Assessor's Map #52 as Lot #3, being 97 Nearwater Lane, and located in the R-1 (residential) Zone.

CALENDAR NO. 43-2013

The application of Greg & Courtney Galligan filed on June 19, 2013 for variances of Sections 406 and 1102 of the Darien Zoning Regulations; to allow the existing detached storage barn to be renovated into a great room/work space and bath use; Section 406: 3.4 in lieu of 10.0 feet maximum required side yard setback; and Section 1102: determination that the proposed use is an acceptable alteration within the minimum required side setback space. The property is situated on the west side of Raymond Street approximately 700 feet north of the intersection with Little Brook Lane and is shown on Assessor's Map #33 as Lot #10, being 97 Raymond Street, and located in the R-1/2 (residential) Zone.

CALENDAR NO. 44-2013

The application of Ian McAuley on behalf of 205 Post Road Development Partners, LLC filed on June 19, 2013 for variances of Sections 674b, 675, 904h and 926.2 of the Darien Zoning Regulations; to allow the construction of a drive thru restaurant with stair platform and railing, HVAC and generator/transformer equipment, and the installation of a pole sign; Section 674b: to allow a restaurant use with 0 square feet indoor space devoted to customer tables and seating in lieu of 1,200 square feet minimum required; Section 675: 26.6 in lieu of 30.0 feet minimum required front yard setback for the stair platform; 25.0 in lieu of 30.0 feet minimum required front yard setback for the HVAC and generator/transformer equipment; Section 904h: 4 in lieu of 5 minimum required parking spaces; and Section 926.2: 13.5 in lieu of 30.0 feet minimum required front yard setback for

the pole sign. The property is situated on the northwest side of Boston Post Road at the southwest corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #13 as Lot #6, being 205 Boston Post Road and located in an SB-E (commercial) Zone.

CALENDAR NO. 45-2013

The application of Lance E. Zimmerman and Zimmerman Architecture on behalf of Michael & Elizabeth DeSanctis filed on June 19, 2013 for variances of Section 416 of the Darien Zoning Regulations; to allow the raising of the existing residence with modified entry staircases, terrace and deck features, and the construction of second story, attic, and deck features; Section 416: 11.2 in lieu of 18.5 feet minimum required north side yard setback; 11.5 in lieu of 18.8 feet minimum required south side yard setback; 22.7 in lieu of 30.0 total of two side yard setbacks; 22.0 in lieu of 25.0 minimum feet required rear yard setback; on a lot with 26.5 in lieu of 20.0% maximum allowable coverage. The property is located on the east side of Plymouth Road approximately 300 feet south of the northern intersection of Plymouth Road and Shipway Road and is shown on Assessor's Map #55 as Lot #76, being 9 Plymouth Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

CALENDAR NO. 46-2013

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Michael A. Tortorella & Nancy V. Tortorella filed on June 19, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition; Section 406: 19.0 in lieu of 25.0 feet minimum required side yard setback. The property is located on the north side of Sylvan Road approximately 180 feet east of the intersection with Brookside Road and is found on Assessor's Map #4 as Lot #75, being 7 Sylvan Road and located in the R-1 (residential) Zone.

CALENDAR NO. 47-2013

The application of Jacek Bigosinski and PB Architects on behalf of TJP Capital LLC filed on June 19, 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 and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 70.5 in lieu of 80.0 feet minimum required lot width, and 10,262 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 70.5 in lieu of 80.0 feet minimum required lot width. The property is situation on south side of Edgewood Road approximately 100 feet east of the intersection with Herman Avenue and is shown

on Assessor's Map #20 as Lot #93, being 29 Edgewood Road and located in an R-1/3 (residential) Zone.

DELIBERATIONS AND DECISIONS

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. Discussion, deliberation and possible **decisions for Public Hearing request items listed above** 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. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal. **Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

OTHER BUSINESS

This portion of the meeting is also not a Public Hearing. Applicants and other interested parties are welcome to quietly observe. If the ZBA members have questions regarding these requests, they may choose to ask for clarification from an audience member.

1. Status of compliance with the approved plans of Calendar No. 26-2012, Paul F. & Amy J. Darrah, 11 Peabody Lane.
2. 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.
3. 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.
4. 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.

5. Review and approval of 2014 Meeting Schedule.
6. Election of Officers.
7. Approval of Minutes of meeting on May 22, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Rich Wood.
8. Approval of Minutes of meeting on June 19, 2013. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Jeff Williams, and Rich Wood.
9. 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.
10. 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).