

**REGULAR MEETING**  
**AGENDA**

Wednesday, October 23, 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.

**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. 59-2013**

The application of Stephen K. Jones on behalf of Jodie R. Ruddy, submitted on September 18, 2013 for a variance of Section 406 and an interpretation of Section 210 of the Darien

Zoning Regulations; to allow the construction of second and attic story additions with a gambrel roof break; Section 406: 12.4 in lieu of 40.0 feet minimum required front yard setback; and Section 210: an interpretation that the roof break feature does not create an eave drip line relative to the maximum height calculation. The property is situated on the south side of Old Kings Highway South at the southeast corner formed by the intersection with Andrews Drive and is shown on Assessor's Map #64 as Lot #108, being 63 Old Kings Highway South and located in an R-1/2 (residential) Zone.

### **CALENDAR NO. 60-2013**

The application of Mr. Nick Aivalis, AIA on behalf of B.D.Q. LLC dba Anthony's Coal Fired Pizza submitted on September 26, 2013 for variances of Sections 906.4 and 940 of the Darien Zoning Regulations; to allow the construction of additional parking spaces; Section 906.4: 0.0 in lieu of 25.0 feet minimum required parking setback from the residential zone boundary line; and Section 940: establishment of a landscape buffer area partially within the residentially zoned portion of the property. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection with Birch Road and is shown on Assessor's Map #13 as Lots #1 and 2, being 319 Boston Post Road and located in the SBE (commercial) Zone and a R-1/2 (residential) Zone.

### **CALENDAR NO. 62-2013**

### **POSTPONED TO NOVEMBER 13**

The application of John J. Ryan on behalf of John D. Young, submitted on September 18, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the previously constructed paddle tennis court to remain; Section 406: 17.2 in lieu of 25.0 feet minimum required side yard setback. The property is situated on the west side of Tulip Tree Lane approximately 1000 feet west of the intersection with Raymond Street and is shown on Assessor's Map #33 as Lot #56, being 25 Tulip Tree Lane and located in an R-1 (residential) Zone.

### **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions 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. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## 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. Approval of Minutes of meeting on September 11, 2013. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, John Ashburne, Rich Wood, and Vic Capellupo.
2. 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.
3. 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).