

**REGULAR MEETING
AGENDA**

Wednesday, December 11, 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.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 56-2013

TO BE REOPENED AND RECONTINUED TO JANUARY 15, 2014

This hearing was opened on November 13, 2013 and continued to tonight, December 11, 2013. The previously seated ZBA members for this request are Chuck Deluca, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, and Rich Wood. The applicant has provided an extension allowing the ZBA to continue this hearing at the next scheduled meeting on January 15, 2014.

The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 68-2013

The application of Alan Kaufman and Kaufman LLC on behalf of Rosemarie/Scott Reardon regarding the property of James/Janeen Eckert submitted on August 30, 2013 for an appeal of a Planning and Zoning Commission decision per Darien Zoning Regulations Section 1126(a); the ZBA should vacate the July 30, 2013 Planning and Zoning Commission decision and instruct it to undertake the town wide inventory mandated by the DEEP, and after the subsequent adoption of clear guidelines and regulation by the Planning and Zoning Commission, the Eckerts should be permitted to reapply. The subject property is an interior lot accessed from a common drive situated on the east side of Long Neck Point Road approximately 450 feet south of the south intersection with Pear Tree Point Road and is shown on Assessor's Map #61 as Lot #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 69-2013

The application of Richard Vail and Faesy-Smith Architects on behalf of Patricia Porter submitted on November 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one half story two car garage/pool room above addition; Section 406: 34.0 in lieu of 50.0 minimum required Hollow Tree Ridge Road front yard setback. The property is situated on the southwest corner of the intersection of Ox Ridge Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #7 as Lot #48, being 70 Ox Ridge Lane and located in an R-2 (residential) Zone.

CALENDAR NO. 70-2013

The application of Christopher & Carol Rooney submitted on November 14, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of front porch and second story additions; Section 406: 9.8 in lieu of 14.9 feet minimum required side yard setback. The property is situated on the east side of the extension of Forest Road approximately 100 feet south of the intersection with Intervale Road and is shown on Assessor's Map #24 as Lot #100, being 10 Forest Road and located in a R-1/3 (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 October 23, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.
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).