

**TOWN OF DARIEN  
ZONING BOARD OF APPEALS**



**REGULAR MEETING  
AGENDA**

Wednesday, June 20, 2012 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 HEARING**

**CALENDAR NO. 23-2012**

Opened on May 16, 2012 and immediately continued to tonight, June 20, 2012 at the applicant's request. Since no testimony, comment, or additional information was

provided to the ZBA on May 16<sup>th</sup>, the seated ZBA for this request is those members present tonight.

The application of Scott Church on behalf of LTB Properties, LLC filed on April 25, 2012 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 17,426 in lieu of 21,780 square feet minimum required lot size and 85.0 in lieu of 100.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 85.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the north side of Middlesex Road approximately 50 feet west of the intersection of Noroton Avenue and Middlesex Road and is shown on Assessor's Map #9 as Lot #15, being 207 Middlesex Road and located in an R-1/2 (residential) Zone.

### PUBLIC HEARINGS

#### CALENDAR NO. 29-2012

#### TO BE OPENED & CONTINUED TO JULY 18<sup>TH</sup>

The application of Gleason & Associates LLC on behalf of Shawn P. Burke and Vivianne F. Burke, William J. Nelson and Gillian Nelson, and David M. Sinclair, regarding property of Estate of Beatrice Richards, filed on May 23, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Director of Planning to approve/authorize the filing of a free cut map creating 2 building lots out of the 123 Five Mile River Road property. The property is situated on the east side of Five Mile River Road approximately 500 feet south of the intersection of Five Mile River Road and Davis Lane and is shown on Assessor's Map #67 as Lot #2, being 123 Five Mile River Road and located in an R-1/2 (residential) Zone.

#### CALENDAR NO. 22-2012

The application of Robert F. Maslan, Jr. Esq. on behalf of Peter Max Jellinek and Suzie Lewis Finlay Jellinek filed on April 25, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; and if necessary a variance of Section 406 and/or an interpretation of Section 371 of the Darien Zoning Regulations to allow the construction of two rooftop cupolas. The property is situated on the east side of Nearwater Lane and the west side of a common driveway located approximately 700 feet north of the intersection of Juniper Road and Nearwater Lane and is shown on Assessor's Map #57 as Lot #5, being 110 Nearwater Lane and located in an R-1 (residential) Zone.

### CALENDAR NO. 27-2012

The application of Dinyar Wadia, Wadia Associates on behalf of Estate of Mary K. Ewing and contract purchaser Alex Magaro filed on May 23, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a two and one-half story residence with ridge, cupola, dormer, tower and upper eave features; Section 406: 38.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 1000 feet south of the intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #9, being 203 Long Neck Point Road and located in an R-1 (residential) Zone.

### CALENDAR NO. 28-2012

The application of Law Office of Bruce Hill, LLC on behalf of Gavin and Melissa Baiera filed on May 23, 2012 for an amendment to the approved plans of Calendar No. 43-2004 and variances of Section 406 of the Darien Zoning Regulations, to allow the conversion of an existing breezeway to an enclosed mudroom, the redesign of the front entrance, the construction of new exterior stairs, and the construction of an outdoor shower; Section 406: 32.0 in lieu of 40.0 feet minimum required east rear yard setback and 28.0 in lieu of 40.0 feet minimum required east rear yard setback. The property is an interior lot accessed from a driveway situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor's Map #57 as Lot #43, being 26 Shipway 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 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. Update on status of the project and possible action regarding a stipulation in the decision of Calendar No. 39-2009, J. Willson Ropp & Adrienne Dreiss, 364 Hollow Tree Ridge Road.
3. Requested amendment to the approved plans of Calendar No. 8-2012, Kathleen Willcox, 117 West Avenue.

4. Requested eight to twelve month extension, received June 13, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 38-2010, William Raveis Real Estate, 22 Old Kings Highway South. The Public Hearing of this matter was June 16, 2010. Following previous requests, on December 15, 2010 and November 16, 2011, the ZBA granted extensions allowing this project to be initiated until June 24, 2012.
5. Election of Officers by regular members.
6. Adoption of 2013 Meeting Schedule.
7. Approval of Minutes of meeting on April 25, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne.
8. Approval of Minutes of meeting on May 16, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, 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).