

REGULAR MEETING
AGENDA

Wednesday, January 18, 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.

PUBLIC HEARINGS

CALENDAR NO. 50-2011 **TO BE OPENED AND CONTINUED**

The application of Alan H. Kaufman on behalf of Scott/Rosemarie Reardon regarding property of James/Janeen Eckert, filed on November 16, 2011 for an appeal under Section 1122, of the Darien Zoning Regulations, of the October 3, 2011 decision and/or determination of the Zoning Enforcement Officer to issue a Certificate Of Zoning Compliance endorsement of a Certificate of Occupancy for the recent Eckert addition construction project; and to declare that the Certificate of Occupancy and the Certificate of Zoning Compliance are null and void. The subject property is an interior lot situated on the east side of Long Neck Point Road approximately 450 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 #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 51-2011

The application of Fritz L. Schweitzer, Jr. filed on November 16, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator and larger propane tanks; Section 406: 31.0 in lieu of 40.0 feet minimum required front yard setback and 41.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Five Mile River Road for the generator; and 14.2 in lieu of 40.0 feet minimum required front yard setback and 24.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Five Mile River Road for the propane tanks. The property is situated on the east side of Five Mile River Road approximately 1200 feet south of the intersection of Davis Lane and Five Mile River Road and is shown on Assessor's Map #67 as Lots #6&7, being 139 Five Mile River Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 54-2011

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of Steven K. & Lisa B. Eppley filed on December 21, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a spa and pool with equipment and the reconstruction and enlargement to a two story residence with a bilco door and generator; Section 406: 34.0 in lieu of 40.0 feet minimum required rear yard setback for the pool; 14.5 in lieu of 40.0 feet minimum required rear yard setback for the pool equipment; and 18.5 in lieu of 40.0 feet minimum required rear yard setback for the residence. The property is situated on the west side of Contentment Island Road approximately 250 feet south of the intersection of Tokeneke Beach Drive and Contentment Island Road

and is shown on Assessor's Map #67 as Lot #64, being 6 Contentment Island Road and located in an R-1 (residential) Zone.

CALENDAR NO. 55-2011

The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on December 21, 2011 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement to a two story residence with a pool, pool equipment, and covered patio features; Section 334: construction on a portion of the lot with 106.2 in lieu of 150.0 feet minimum required lot width and less than 150.0 feet minimum required square; Section 406: 4.4 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; 24.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the residence; 31.5 in lieu of 40.0 feet minimum required north rear yard setback for the residence; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the pool; 26.6 in lieu of 40.0 feet minimum required north rear yard setback for the covered patio and pool equipment; and a finding that the 44.5 in lieu of 50.0 feet minimum required frontage is legally nonconforming. The property is an interior lot accessed from the east side of the Peabody Lane cul de sac approximately 1000 feet northeast of the intersection of Salem Straits and Peabody Lane and is shown on Assessor's Map #62 as Lot #60, being 11 Peabody Lane, also known as 66 Salem Straits 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. Four affirmative votes out of the five seated ZBA members are required to approve a proposal.
2. Requested amendment to the previously approved plans (now expired) of Calendar No. 20-2006, to allow restoration of a nonconforming cottage, Mario Lombardi, 72-74 Old Kings Highway South.

3. Approval of Minutes of meeting on November 30, 2011. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.
4. Update on status of multifamily compliance with the terms of Calendar No. 17-1995, David and Elizabeth Wenger, 47-49 Hollow Tree Ridge Road.
5. 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.
6. 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).