

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



**REGULAR MEETING
AGENDA**

Wednesday, April 25, 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.

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 authorization for Town Counsel to make arrangements regarding pending litigation.

PUBLIC HEARINGS

CALENDAR NO. 19-2012

The application of Gleason & Associates LLC on behalf of Michael Bret Pastor and Devon Field Pastor filed on March 14, 2012 for variances of Section 406 and a determination under Section 813 of the Darien Zoning Regulations, to allow first floor alterations and the construction of second story and two story additions; Section 406: 1.2 in lieu of 15.0 feet minimum required south side yard setback and 24.1 in lieu of 30.0 feet minimum required total of two side yards setback; and a determination under Section 813 of the Darien Zoning Regulations that the proposed construction is exempt from Coastal Site Plan Review. The property is situated on the west side of Five Mile Road approximately 800 feet north of the intersection of Davis Lane and Five Mile River Road and is shown on Assessor's Map #66 as Lot #41, being 90 Five Mile River Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 15-2012

The application of Consulting and Design on behalf of Drake Petroleum dba Exxon filed on March 14, 2012 for variances of Section 926 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 926: 18 in lieu of 10" maximum (E, O, and N) letters height, 29 in lieu of 10" maximum (XX) figure height, 33.92 in lieu of 5.83 maximum allowable total square footage, 2 in lieu of 1 maximum allowable wall signs, and internal sign illumination where that is not permitted. The property is situated on the southeast side of Boston Post Road at the corner formed by the intersection of Thorndal Circle and Boston Post Road and is shown on Assessor's Map #63 as Lots #11, 12, & 13, being 1358 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 17-2012

The application of Maslan Associates PC on behalf of Corinne Collins filed on March 14, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement of a one story garage with an attached shed and breezeway, and the construction of a one story house addition with a porch and landing; Section 406: 5.7 in lieu of 40.0 feet minimum required north rear yard setback and 26.6 in lieu of 40.0 feet minimum required east rear yard setback. The property is

an interior lot accessed from a common driveway situated on the east side of Nearwater Lane approximately 600 feet south of the intersection of Nickerson lane and Nearwater Lane and is shown on Assessor's Map #57 as Lot #11, being 114 Nearwater Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 18-2012

The application of Jeffrey W. McDougal and William W. Seymour & Assoc., P.C. on behalf of Pamela Thompson filed on March 14, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition with a chimney, deck and propane equipment, and the construction of a detached two car garage with storage above; Section 406: 24.2 in lieu of 30.0 feet minimum required Fairfield Avenue front yard setback, and 9.1 in lieu of 30.0 feet minimum required Elm Street front yard setback and 29.1 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Elm Street for the house addition, chimney, deck and propane equipment; 21.8 in lieu of 30.0 feet minimum required Elm Street front yard setback, 41.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Elm Street, and two in lieu of one maximum story for the detached accessory garage. The property is situated on the west side of Fairfield Avenue at the southwest corner formed by the intersection of Elm Street and Fairfield Avenue and is shown on Assessor's Map #21 as Lot #40, being 35 Fairfield Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 20-2012

The application of John Lang filed on March 14, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator; Section 406: 20.85 in lieu of 20.0% maximum allowable coverage. The property is situated on the east side of Abbey Road at the northeast corner formed by the intersection of Intervale Road and Abbey Road and is shown on Assessor's Map #25 as Lot #76, being 1 Abbey Road and located in an R-1/3 (residential) Zone.

OTHER BUSINESS

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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. Requested twenty four month extensions, received April 10, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5-2012, 23 Chestnut Street, and for ZBA Calendar No. 6-2012, 27 Chestnut Street. The Public Hearings of these matters were March 21, 2012. Initial ZBA approvals would expire on September 30, 2012.
3. Approval of Minutes of meeting on March 21, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne.
4. General discussion of subcommittee work on 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.
5. 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).