

REGULAR MEETING
AGENDA

Wednesday, February 15, 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

Opened on January 18, 2012 and continued to tonight, February 15, 2012. The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Rich Wood and Ruth Anne Ramsey have also reviewed the application materials, a tape recording of the January 18th segment of the hearing, and the

submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by February 22, 2012. However, the next scheduled regular ZBA meeting is March 14, 2012. Therefore, if the ZBA determines to continue this hearing further, a special meeting must be scheduled by February 22nd when 5 of the seated members can attend. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing to a later date. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

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 depth 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; and 26.6 in lieu of 40.0 feet minimum required north rear yard setback for the covered patio and pool equipment. 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.

PUBLIC HEARINGS

CALENDAR NO. 52-2011

POSTPONED TO MARCH 14

The application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims filed on December 21, 2011 for variances of Sections 666, 944, and if necessary 1056 of the Darien Zoning Regulations, to allow the construction of a one and one-half story addition; Section 666: 20.3 in lieu of 30.0 feet minimum required front yard setback relative to Old Kings Highway South, 0.25 in lieu of 0.0 feet or 4.0 minimum required side yard setback, on a property with 86.7 in lieu of 80.0 maximum allowable developed site area; Section 944; 20.35 in lieu of 25.0 feet minimum required landscape buffer, modifications of the previously established 25.0 feet minimum required landscape buffer; and if necessary Section 1056: reduction of the 1,000 square foot minimum required disabled vehicle storage area. The property is situated on the east side of Boston Post Road opposite the corner formed by the intersection of Hecker Avenue and Boston Post Road, and is situated on the west side of Old Kings Highway South approximately 100 feet south of the intersection of Goodwives River Road and Old Kings Highway South, and is

shown on Assessor's Map #63 as Lots #15, 16, and 17, being 1416 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 53-2011

POSTPONED TO MARCH 14

The application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe filed on December 21, 2011 for variances of Sections 406 of the Darien Zoning Regulations, to allow the reconstruction, alteration and expansion to a two and one-half story residence with a trellis structure; Section 406: 10.8 in lieu of 25.0 feet minimum required front yard setback and 26.8 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street. The property is situated on the east side of Raymond Street approximately 500 feet north of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #101, being 26 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 1-2012

POSTPONED TO MARCH 14

The application of Brian Lorenz on behalf of Plaza Realty c/o Michael D. Hibbert and Starbucks filed on January 18, 2012 for variances of Section 923.1 and 923.4 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 923.1: 22.50 in lieu of 10.67 maximum allowable square feet; and Section 923.4: 2 in lieu of 1 maximum allowable wall sign. The property is situated on the northwest side of Boston Post Road approximately 150 feet southwest of the intersection of Sedgwick Avenue and Boston Post Road and is shown on Assessor's Map #16 as Lots #2 and 3, being 815 Boston Post Road and located in the CBD (commercial) and in a R-1/3 (residential) Zone.

CALENDAR NO. 2-2012

The application of Anthony's Coal Fired Pizza filed on January 18, 2012 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 of Birch Road and Boston Post 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. 3-2012

The application of Ben & Trudie Larrabee filed on January 18, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of propane tanks and generator equipment; Section 406: 23.7 in lieu of 20.0 maximum allowable coverage. The property is situated on the south side of Fairview Avenue approximately 140 feet west

of the intersection of Academy Street and Fairview Avenue and is shown on Assessor's Map #16 as Lot #50, being 26 Fairview Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 4-2012

The application of Mario Lombardi filed on January 18, 2012 for an amendment to prior ZBA determinations and a variation of Section 386 of the Darien Zoning Regulations; to allow the restoration/renovation of a one and one-half story cottage residence; Amendment to the Stipulations of Calendar No. 20-2006; and Section 386: renovation of a non-conforming building without complying with all Zoning standards. The property is situated on the north side of Old Kings Highway South approximately 200 feet west of the intersection of Andrews Drive and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #42, being 72-74 Old Kings Highway South and located in an R-1/3 (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. Requested three month extension, received January 30, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 29-2011, David A. Rosevear, 1 Patton Drive. The Public Hearing of this matter was July 27, 2011. Initial ZBA approval would have expired on February 5, 2012.
3. Requested amendment to the approved plans of Calendar No. 43-2004, Gavin & Melissa Baiera, 26 Shipway Road, formerly property of Janice A. Mahaney.
4. Staff Requested Interpretation of Section 334 relative to proposed residence additions at 87 Old Kings Highway South.
5. Approval of Minutes and Resolutions of meeting on January 18, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.
6. Staff Request for a Board committee to review Required Application Materials.

7. 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.
8. 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).