

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



**REGULAR MEETING
AGENDA**

Wednesday, May 16, 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 HEARING

CALENDAR NO. 26-2012

The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on April 25, 2012 for variances of Sections 334 and 406 of the Darien Zoning

Regulations, to allow the reconstruction and enlargement to a two story residence with AC equipment; Section 334: construction on a portion of the lot with 107.0 in lieu of 150.0 feet minimum required lot depth or width; and Section 406: 13.8 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; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the residence; and 29.6 in lieu of 40.0 feet minimum required north rear yard setback for the AC 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.

CONTINUATION OF PUBLIC HEARING

Opened on April 11, 2012 and immediately continued to tonight, May 16, 2012 at the applicant's request. Since no testimony, comment, or additional information was provided to the ZBA on April 11th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight May 16, 2012 (within 35 days after its April 11th opening). However, the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearings until a later date (up to 100 total days). The next scheduled regular ZBA meeting is June 20, 2012. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 52-2011

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.

PUBLIC HEARINGS

CALENDAR NO. 23-2012

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.

CALENDAR NO. 24 -2012

The application of Michael Blanc & Assoc. on behalf of Patric Mesot 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 105.0 in lieu of 150.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 105.0 in lieu of 150.0 feet minimum required lot depth. The property is situated on the southwest side of the Queens Lane cul de sac approximately 700 feet east of the intersection of Old Kings Highway South and Queens Lane and is shown on Assessor's Map #63 as Lot #99, being 11 Queens Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 25 -2012

The application of S. Edward Parker on behalf of 39 Stony Brook Road, LLC filed on April 25, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow interior alterations, the construction of a second story addition, and the installation of AC, propane and generator equipment; Section 406: 21.4 in lieu of 40.0 feet minimum required north rear yard setback. The property is situated on the west side of Stony Brook Road approximately 50 feet north of the intersection of Stony Brook Road South and Stony Brook Road and is shown on Assessor's Map #19 as Lot #26, being 39 Stony Brook 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. Requested six month extension, received May 3, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 57-2010, 205 Post Road Development Partners, 205 Boston Post Road. The Public Hearing of this matter was September 22, 2010. Following a November 15, 2011 request, on November 16, 2011 the ZBA granted an extension to June 7, 2012.
3. Requested amendment to a stipulation in the decision of Calendar No. 39-2009, J. Willson Ropp & Adrienne Dreiss, 364 Hollow Tree Ridge Road.
4. Approval of Minutes of meeting on April 11, 2012. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Rich Wood.
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).