

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



**REGULAR MEETING
AGENDA**

Wednesday, July 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.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 27-2012

Opened on June 20, 2012 with testimony heard then the hearing was continued to July 18, 2012. The hearing was reopened on July 18, 2012 and immediately re-continued with no testimony to tonight, July 25, 2012. ZBA members seated on June 20, 2012 were Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams and Ruth Anne Ramsey.

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.

PUBLIC HEARINGS

CALENDAR NO. 30-2012

POSTPONED TO SEPTEMBER 12, 2012

The application of Consulting and Design on behalf of Drake Petroleum dba Exxon filed on June 20, 2012 for variances of Section 926 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 926: 12 in lieu of 10" maximum (E, O, and N) letters height, 19 5/16 in lieu of 10" maximum (XX) figure height, 24.982 in lieu of 5.83 maximum allowable total square footage, 2 in lieu of 1 maximum allowable wall sign, 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. 21-2012

The application of William I. Haslun, II, Esq. on behalf of Giovanni's Water's Edge and PR Partnership, LLC and PL Partnership, LLC filed on May 23, 2012 for variances of Sections 381-387 and 904 if necessary of the Darien Zoning Regulations, to allow the construction of a one story deck with pergola above and parking under structure; Sections 381-387: enlargement of non-conforming building and intensification of use; and Section 904 if necessary: expansion of gross floor area and a possible reduction in the total number of parking spaces on a property with deficient existing parking quantity. The property is situated opposite the intersection of Brookside Drive and Boston Post Road and is shown on Assessor's Map #54 as Lot #35 and a portion of lot #33, being 2748 Boston Post Road and a portion of 3 Purdy Lane and located in an R-1/3 (residential) Zone.

CALENDAR NO. 32-2012

The application of Peter and Cara Martin filed on June 20, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a deck and the installation of an arbor; Section 406: 10.8 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Andrews Drive and is accessed by a common driveway located on the south side of Locust Hill Road approximately 150 feet east of the intersection of Locust Hill Road and Andrews Drive and is shown on Assessor's Map #64 as Lot #109, being 6 Andrews Drive and located in an R-1/2 (residential) Zone.

CALENDAR NO. 33-2012

The application of Anton Tinaj filed on June 20, 2012 for a variance of Section 339f of the Darien Zoning Regulations, to allow the construction of second and attic story and two and one-half story additions with decks; Section 406: 11.0 in lieu of 80.0 feet minimum required front yard setback. The property is situated on the south side of Hecker Avenue approximately 150 feet east of the intersection of Wistar Court and Hecker Avenue and is shown on Assessor's Map #42 as Lot #135, being 114 Hecker Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 34-2012

The application of Jeana & Kevin Roche filed on June 27, 2012 for variances of Sections 406 and 334 of the Darien Zoning Regulations, to allow the installation of an AC compressor and a propane tank; Section 406: 24.8 in lieu of 20.0 feet maximum allowable coverage; and Section 334: installation of structure features on a building lot with 76.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the south side of Oak Crest approximately 200 feet east of the intersection of Mansfield Avenue and Oak Crest and is shown on Assessor's Map #15 as Lot #110, being 4 Oak Crest and located in an R-1/2 (residential) Zone.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 29-2012

Opened on June 20, 2012 without testimony and immediately continued to July 18, 2012. The hearing was reopened on July 18, 2012 with testimony heard and re-continued to tonight, July 25, 2012. ZBA members seated on July 18, 2012 were Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey and John Ashburne.

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 subject 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.

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. Election of Officers by regular members.
3. Adoption of 2013 Meeting Schedule.
4. Approval of Minutes of meeting on June 20, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and Ruth Anne Ramsey.
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).