

**REGULAR MEETING
AGENDA**

Wednesday, September 12, 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 - To be conducted concurrently with the related Public Hearing of Calendar No. 35-2012.

CALENDAR NO. 31-2012

Opened on July 18, 2012 and continued to tonight, September 12, 2012 with verbal authorization of the applicant. The previously seated ZBA members for this request are

Vic Capellupo, Al Tibbetts, Gary Greene, Jeff Williams, and Ruth Anne Ramsey. John Ashburne also attended the July 18th segment of this hearing. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than October 26, 2012 (up to 100 total days from its July 18 opening). The next scheduled regular ZBA meetings are September 19, October 17, and October 24, 2012. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, filed on June 20, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer regarding possible damages to the 362 Hollow Tree Ridge Road property relative to a ZBA stipulation in Calendar No. 39-2009. The subject property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

PUBLIC HEARING

CALENDAR NO. 35-2012

The application of Eric and Barbara Simonson, regarding property of J. Willson Ropp and Adrienne Dreiss, filed on July 27, 2012 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or issuance of the Certificate of Zoning Compliance by the Zoning Enforcement Officer, which was issued with the Certificate of Occupancy. The subject property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 34-2012

Opened on July 25, 2012 and continued to tonight, September 12, 2012 with verbal authorization of the applicant. The previously seated ZBA members for this request are Vic Capellupo, Al Tibbetts, Gary Greene, Jeff Williams, and Ruth Anne Ramsey. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to

continue this hearing until no later than November 2, 2012 (up to 100 total days from its July 18 opening). The next scheduled regular ZBA meetings are September 19, October 17, and October 24, 2012. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

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.

PUBLIC HEARINGS

CALENDAR NO. 30-2012

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. 36-2012

The application of contract purchaser David and Julie Gorski on behalf of owner Axel E. Ohrn Revocable Trust filed on August 15, 2012 for an interpretation of Section 385 and variances of Sections 334 and 406 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 13,019 in lieu of 14,520 square feet minimum required lot size and 60.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 60.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Pleasant Street approximately 200 feet east of the intersection of Pleasant Street and Gardiner Street and is shown on Assessor's Map #45 as Lot #120, being 7 Pleasant Street 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 amendment to the approved plans of Calendar No. 33-2012, Anton Tinaj, 114 Hecker Avenue.
3. Approval 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).