

**REGULAR MEETING**  
**AGENDA**

Wednesday, May 18, 2011 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. Any information considered must be clearly provided and all hearing comments are recorded. Therefore **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.

**This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete in a timely manner. However complications may arise and it may be difficult to properly consider all of the requests. 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.** You may also make inquiries to ZBA office staff at 203-656-7351.

**PUBLIC HEARING**

**CALENDAR NO. 20-2011**

The application of John J. Ryan, Esq. on behalf of Jon Schoudel and Caroline Hoyt Schoudel filed on April 20, 2011 for an interpretation of the determinations in ZBA Calendar No. 76-1988; or if necessary a variance of Section 406 of the Darien Zoning Regulations, to allow the previously installed air conditioning equipment to remain;

Section 406: 12.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the south side of Pratt Island approximately 1,200 feet southeast of the intersection of Nearwater Lane and Baywater Drive and is shown on Assessor's Map #55 as Lot #120, being 12 Pratt Island 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 decision for the Schoudel Calendar No. 20-2011 Public Hearing request item listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.

### PUBLIC HEARING

#### CALENDAR NO. 17-2011

The application of Veronica Scribano filed on April 20, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a two car garage and the construction of a garage door cover and a second story addition; Section 406: 6.2 in lieu of 15.0 feet minimum required side yard setback and 35.3 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the west side of the eastern segment of the Wakeman Road circle approximately 800 feet north of the intersection of Old Kings Highway North and Wakeman Road and is shown on Assessor's Map #32 as Lot #37, being 13 Wakeman Road and located in an R-1/2 (residential) Zone.

### OTHER BUSINESS

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1. Discussion, deliberation and possible decision for the Scribano Calendar No. 17-2011 Public Hearing request item listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.

## CONTINUATION OF PUBLIC HEARING

### CALENDAR NO. 13-2011

Opened on April 13, 2011 and immediately continued to tonight, May 18, 2011 due to a lack of proper neighbor notifications. Since no testimony, comment, or additional information was provided to the ZBA on April 13<sup>th</sup>, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight May 18<sup>th</sup> (within 35 days after its April 13<sup>th</sup> opening). Therefore, if the ZBA determines to continue this hearing further the applicant may provide up to a 65 day extension allowing the ZBA to continue the hearing. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

The application of Joshua Davis/Janice Li filed on March 16, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a smaller replacement deck resulting in a decrease of coverage; Section 406: 7.2 in lieu of 15.2 feet minimum required side yard setback. The property is situated on the west side of Patricia Lane approximately 500 feet east of the intersections of Dubois Street and Patricia Lane and is shown on Assessor's Map #43 as Lot #80, being 18 Patricia Lane and located in an R-1/3 (residential) Zone.

## PUBLIC HEARINGS

### CALENDAR NO. 9-2011

This application was submitted in February, however, the plans were incomplete until recently. The applicant has provided an extension allowing the ZBA to open this Public Hearing tonight.

The application of James D. Jespersen filed on February 16, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story addition and deck; Section 406: 10.2 in lieu of 15.0 feet minimum required north side yard setback and 20.2 in lieu of 25.0 feet minimum required total of two side yards setback for the proposed construction. The property is situated on the east side of Edgerton Street approximately 150 feet south of the intersection of Middlesex Road and Edgerton Street and is shown on Assessor's Map #21 as Lot #142, being 7 Edgerton Street and located in an R-1/3 (residential) Zone.

### CALENDAR NO. 15-2011

The application of Jeffrey Marston filed on April 20, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of two story additions with a

garage door cover; Section 406: 22.3 in lieu of 25.0 feet minimum required southwest side yard setback; 22.2 in lieu of 25.0 feet minimum required northeast side yard setback; 33.7 in lieu of 40.0 feet minimum required front yard setback; and 54.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road. The property is situated on the west side of Goodwives River Road approximately 1100 feet north of the intersection of Sunswyck Road and Goodwives River Road and is shown on Assessor's Map #49 as Lot #8, being 49 Goodwives River Road and located in an R-1 (residential) Zone.

### **CALENDAR NO. 18-2011**

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates, P.C. on behalf of Christian Zawacki and Ann Marie Zawacki filed on April 20, 2011 for an interpretation of Section 385, an interpretation of Section 210, and variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,579 in lieu of 43,560 square feet minimum required lot size and 75.0 in lieu of 150.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 210: a determination that Oriole Lane is not a street relative to the definition of yards and minimum required setbacks; Section 334: construction on a building lot with 75.0 in lieu of 150.0 feet minimum required lot width; and Section 406: 13.0 in lieu of 25.0 feet minimum required east side yard setback; and 14.0 in lieu of 40.0 feet minimum required Oriole Lane front yard setback or 14.0 in lieu of 25.0 feet minimum required west side yard setback if Oriole Lane is not a street. The property is situated on the north side of Mansfield Place approximately 400 feet east of the intersection of Mansfield Avenue and Mansfield Place and is shown on Assessor's Map #10 as Lot #66, being 7 Mansfield Place and located in an R-1 (residential) Zone.

### **CALENDAR NO. 19-2011**

The application of Adam Mobarik filed on April 20, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story addition; Section 406: 9.0 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of West Avenue approximately 150 feet west of the intersection of Bailey Avenue and West Avenue and is shown on Assessor's Map #18 as Lot #2, being 86 West Avenue and located in an R-1/2 (residential) Zone.

### **CALENDAR NO. 16-2011**

The application of Lance E. Zimmerman, A.I.A. on behalf of Tero & Sarah Janne filed on April 20, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the

enlargement of an existing living room and the construction of a one story addition; Section 406: 0.8 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of Prospect Avenue approximately 500 feet east of the intersection of Mansfield Avenue and Prospect Avenue and is shown on Assessor's Map #15 as Lot #4, being 12 Prospect Avenue and located in an R-1/2 (residential) Zone.

## OTHER BUSINESS

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2. 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.
3. Requested six month extension, received May 12, 2011, to obtain all required permits and begin on-site construction for ZBA Calendar No. 26-2010, Jonathan & Nan Peter, 8 Midbrook Lane. The Public Hearing of this matter was April 28, 2010. Initial ZBA approval would have expired on November 13, 2010. Following an October 20, 2010 request, on October 20, 2010 the ZBA granted a six month extension to May 13, 2011.
4. Review of proposed change of use relative to determinations and stipulations of Calendar No. 56-2006, Rainbow Shoppe, 836 Boston Post Road.
5. Approval of Minutes of meeting on April 13, 2011. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and John Ashburne.
6. Requested amendment to the approved plans of Calendar No. 34-2009, Wai Ping Wong & Shuk-Han K. Wong, 31 Relihan Road.
7. Requested nine month extension, received May 4, 2011 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. Initial ZBA approval expires on September 7, 2011.
8. Review of possible response/recommendation to an alleged discrepancy between Darien Zoning Regulations and State Statutes regarding the limitations and timing of applications to the ZBA.

9. Update on site circumstances at H&L Chevrolet property, 1416 Boston Post Road.
10. Requested amendment to the approved plans and Resolution of Calendar No. 25-2010, David & Kelly Wheeler, 8 Davis Lane.
11. Requested amendment to the approved plans of Calendar No. 40-2010, Anthia Nickerson, 19 Lakeside Avenue.
12. 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).