

SPECIAL MEETING
AGENDA

Wednesday March 25, 2009 7:00 P.M.
Meeting Room 213
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

EXECUTIVE SESSION

In order for the ZBA and staff to properly consider their legal options for the overall benefit of the community, this portion of the meeting is not open to the Public. No decisions can be made in an Executive Session.

1. Discussion of pending litigation with Town Counsel John Louizos and Planning and Zoning Director Jeremy Ginsberg.

REGULAR MEETING
AGENDA

Wednesday, March 25, 2009 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

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 authorization for Town Attorney John Louizos to settle the pending litigation.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 5-2009

Opened on March 18, 2009 and, after a procedural question, continued to tonight, March 25, 2009. Since no significant testimony, comment, or additional information was provided to the ZBA on March 18th, the seated ZBA for this

request is those members present tonight. This hearing must be concluded by April 22nd (within 35 days after its March 18th opening). The next scheduled regular ZBA meeting is April 22, 2009.

The application of Neil Hauck, AIA on behalf of Nassau Mansfield Avenue LLC filed on February 18, 2009 for interpretations of Sections 334 and 385 and (if necessary), 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 13,867 in lieu of 14,520 square feet minimum required lot size; and Sections 334 and 406: construction on a building lot with 67.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Mansfield Avenue approximately 200 feet north of the intersection of Mansfield Avenue and Sedgewick Avenue and is shown on Assessor's Map #17 as Lot #14, being 49 Mansfield Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 6-2009

The application of Brian Lovegrove filed on February 18, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of HVAC equipment; Section 406: 24.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the north side of West Avenue approximately 75 feet west of the intersection of West Avenue and Charles Street and is shown on Assessor's Map #23 as Lot #73, being 320 West Avenue and located in an R-1/5 (residential) Zone.

CALENDAR NO. 8-2009

The application of William J. Hennessey, Jr., Esq. on behalf of Normandy Darien Holdings LLC, Normandy Real estate Partners LLC and Darien Green filed on February 18, 2009 for variances of Sections 925.1c, 715.5, and 928.1 of the Darien Zoning Regulations, to allow the construction/installation of two monument/ground signs; Section 925.1c: 6 in lieu of 4 inches maximum allowable letter height; and Sections 715.5 and 928.1: 1.5 in lieu of 30.0 feet minimum required front yard setback from the Boston Post Road property line; and 2.9 in lieu of 30.0 feet minimum required front yard setback from the Old Kings Highway North property line. The property is situated on the southeast side of Boston Post Road and the north side of Old Kings Highway North with separate driveways located on Boston Post Road approximately opposite Birch

Road and on Old Kings Highway North approximately 300 feet east of the intersection of Boston Post Road and Old Kings Highway North and is shown on Assessor's Map #32 as Lots #10, 16 and 20 being 320-330 Boston Post Road and located in an O-B (commercial) Zone.

CALENDAR NO. 9-2009

The application of the application of James Hines on behalf of Archibald Russell filed on April 23, 2008 for a variance of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story residence; Section 334: construction on a building lot with 140.0 in lieu of 150.0 feet minimum required lot width. The property is situated on the west side of Libby Lane approximately 250 feet north of the intersection of Middlesex Road and Libby Lane and is shown on Assessor's Map #9 as Lot #53, being 10 Libby Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 10-2009

The application of Scott M. and Julie L. Johnston filed on February 18, 2009 for variances of Sections 384 and 406 of the Darien Zoning Regulations, to allow the construction of second story, attic story, and one and one half story additions; Section 384: expansion of the residence structure in a non-conforming location; and Section 406: 36.1 in lieu of 40.0 feet minimum required front yard setback and 43.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Beach Drive; and 6.9 in lieu of 40.0 feet minimum required front yard setback and 31.9 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Outlook Drive for the second and attic story additions; and 22.4 in lieu of 40.0 feet minimum required front yard setback and 47.4 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Outlook Drive for the one and one half story addition. The property is situated on the east side of Beach Drive at the southeast corner formed by the intersection of Beach Drive and Outlook Drive and is shown on Assessor's Map #52 as Lot #97, being 27 Beach Drive and located in an R-1/2 (residential) Zone.

CALENDAR NO. 11-2009

The application of Marek Kaminski filed on February 18, 2009 for variations of Sections 406 of the Darien Zoning Regulations and an amendment to the approved plans of Calendar No. 70-2006 to allow the existing, two and one-half

story, enlarged residence with HVAC equipment to remain; Section 406: 4.13 in lieu of 10.98 feet minimum required side yard setback relative to the north property line, 14.02 in lieu of 20.87 feet minimum required side yard setback relative to the south property line, and 18.15 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Fairfield Avenue approximately 350 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #20 as Lot #130, being 14 Fairfield Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 7-2009

The application of Michael Wallach on behalf of Randall & Po Sau Tam filed on February 18, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the previously constructed pool and spa to remain; Section 406: 47.8 in lieu of 50.0 feet minimum required rear yard setback for the pool; and 46.4 in lieu of 50.0 feet minimum required rear yard setback for the spa. The property is situated on the north side of Half Mile Road approximately 370 feet west of the intersection of Mansfield Avenue and Half Mile Road and is shown on Assessor's Map #2 as Lot #32, being 11 Half Mile Road and located in an R-2 (residential) Zone.

OTHER BUSINESS

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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. Approval of Minutes of meeting on March 18, 2009. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Polly Davis.
3. Approval of Minutes of the following public hearing conducted on December 17, 2008, January 14, 2009, and February 11, 2009. This application was withdrawn on March 17, 2009. ZBA members

participating in this hearing were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis:

Calendar #63-2008 Post Road Eleven, LLC, 1292 Boston Post Road

4. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
5. 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).