

**REGULAR MEETING**  
**AGENDA**

Wednesday, May 16, 2018     7:00 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. 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 HEARINGS**

**Continuation of CALENDAR NO. 7-2018**

Opened on February 21, 2018 and continued to March 21, 2018 at the applicant's request. The March 21 meeting was cancelled due to weather and rescheduled to April 5, 2018. The hearing was opened on April 5, 2018 and after testimony was recontinued to tonight, May

16, 2018. The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, Barb Hazelton and Dan Nalawade. This hearing must be concluded 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 to no later than June 1, 2018 (up to 100 total days after its February 21 opening).

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Douglas & Rebecca Munro submitted on January 24, 2018 for an interpretation of Section 210 and variances of Sections 334, 402, 382, 384 and 406 of the Darien Zoning Regulations; to allow the construction of a two and one half story replacement house with HVAC equipment; Section 210: an interpretation that the two residence use of the lot allows a maximum total of 40 in lieu of 20 square feet of mechanical equipment to be exempt from the building coverage calculation; Section 334: construction on a portion of the building lot with 90.7 in lieu of 150.0 feet minimum required lot depth; Section 402: construction of a replacement second dwelling on one lot; Sections 382 and 384: enlargement of the non-conforming two residence use of the property; and Section 406: 32.3 in lieu of 40.0 feet minimum required front yard setback, 16.0 in lieu of 40.0 feet minimum required southeast rear yard setback, and 19.0 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; and 33.0 in lieu of 40.0 feet minimum required front yard setback, and 22.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the HVAC equipment; and 20.55 in lieu of 20.0% maximum allowable building coverage. The property is situated on the southwest side of Rings End Road immediately to the north of Rings End Bridge and is shown on Assessor's Map #51 as Lot #2-1, being 102 Rings End Road and located in an R-1 (residential) Zone.

#### **Continuation of CALENDAR NO. 9-2018**

Opened on April 18, 2018 and after testimony continued to May 16, 2018. The previously seated ZBA members for this request are Gary Greene, Jeff Williams, Chuck Deluca, Ruth Anne Ramsey, Barb Hazelton and Dan Nalawade. This hearing must be concluded by May 23<sup>rd</sup> (within 35 days after its April 18<sup>th</sup> opening). However if the ZBA determines to continue this hearing further the applicant may provide an extension (up to 100 total days) allowing the ZBA to continue this hearing until the next scheduled meeting on June 13, 2018.

The application of John W. Knuff, Esq., Amy E. Sochuns, Esq. and Hurwitz, Sagarin, Slossberg & Knuff, LLC on behalf of Jack Orchulli submitted on February 9, 2018 for an appeal under Section 1122 of the Darien Zoning Regulations; of the issuance of a January 11, 2018 determination by the Zoning Enforcement Officer, regarding site improvements, including lighting, on the Wee Burn Country Club property. The applicable portion of the subject property is adjacent to 446 Hollow Tree Ridge Road, which is on the northeast side of the intersection with Wee Burn Lane and is shown on Assessor's Map #7 as Lots #62

and #66, being 410 and 490 Hollow Tree Ridge Road and located in the R-2 (residential) Zone.

#### **Continuation of CALENDAR NO. 10-2018**

This hearing was scheduled for March 21, 2018. The March 21 meeting was cancelled due to weather and rescheduled to April 5, 2018. The hearing was opened on April 5, 2018, however due to a miscommunication the applicant did not attend. The hearing was then continued to May 16, 2018.

The application of Jacek Bigosinski and PB Architects of behalf of Jean Bennett submitted on February 20, 2018 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 7,311 in lieu of 14,520 square feet minimum required lot size and 39.8 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 39.8 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Herman Avenue approximately 160 feet north of the intersection with West Avenue and is shown on Assessor's Map #20 as Lot #100, being 10 Herman Avenue and located in an R-1/3 (residential) Zone.

#### **Continuation of CALENDAR NO. 15-2018**

Opened on April 18, 2018 and after testimony continued to May 16, 2018. The previously seated ZBA members for this request are Gary Greene, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, and Barb Hazelton. This hearing must be concluded by May 23<sup>rd</sup> (within 35 days after its April 18<sup>th</sup> opening). However if the ZBA determines to continue this hearing further the applicant may provide an extension (up to 100 total days) allowing the ZBA to continue this hearing until the next scheduled meeting on June 13, 2018.

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of Alexander & Judi Delvecchio submitted on March 21, 2018 for a determination under Section 372 and/or variances of Sections 406, 825 and 906.3 of the Darien Zoning Regulations; to allow the construction of second story and attic additions, one story and two and one-half story additions, a covered entry portico, maintaining the existing basement space, and installing parking; Section 372: an interpretation that there is a pronounced uniformity of alignment of adjacent building fronts allowing the proposed construction without variances; or Section 406: 14.3 in lieu of 25.0 feet minimum required front yard setback and 29.8 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Park Lane for the front second story and attic additions; 46.6 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Park Lane for the side one and two and one-half story additions; 11.5 in lieu

of 25.0 feet minimum required front yard setback and 27.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Park Lane for the covered entry portico; Section 825: 36.9 in lieu of 39.9 feet minimum required floor elevation for the addition; and substantial improvements of the structure while maintaining a basement and equipment in the flood zone; and Section 906.3: installation of required parking in the front and side setback spaces. The subject property is located on the east side of Park Lane approximately 190 feet south of the intersection with Holmes Avenue and Rose Lane and is shown on Assessor's Map #25 as Lot #20, being 19 Park Lane and located in a R-1/5 (residential) Zone.

## **PUBLIC HEARING**

### **CALENDAR NO. 17-2018**

The application of Paulo Vicente and Vicente-Burin Architects on behalf of Jesse & Abigail Hord submitted on March 28, 2018 for variances of Section 406 and a Coastal Site Plan Review under Section 813 of the Darien Zoning Regulations; to allow the construction of a one story pool cabana and a swimming pool; Section 406: 15.0 in lieu of 40.0 feet minimum required north rear yard setback for the cabana; 26.1 in lieu of 40.0 feet minimum required east rear yard setback for the pool; and Section 813: a determination that the proposed construction is in accordance with the purposes of "The Coastal Management Act". The property is located on the south side of a common driveway known as Siwanoy Drive, approximately 300' west from the intersection of Searles Road and is shown on Assessor's Map #66 as Lot #74, being 3 Siwanoy Drive and located in an R-1 (residential) Zone.

## **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **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 could constitute grounds for tabling the matter referred to or denying it without prejudice.**

1. Approval of Summary Minutes of meeting on March 15, 2018. ZBA members attending this meeting were Mike Nedder, Jeff Williams, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, Barb Hazelton, and Dan Nalawade.
2. Approval of Minutes of meeting on March 28, 2018. ZBA members attending this meeting were Mike Nedder, Chuck Deluca, Jeff Williams, Vic Capellupo, and Barb Hazelton.
3. Approval of Minutes of Special Meeting executive session and Regular Meeting on April 18, 2018. ZBA members attending these meetings were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, Barb Hazelton, and Dan Nalawade.
4. Approval of Summary Minutes of meeting on April 25, 2018. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, and Barb Hazelton.
5. Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.
6. Possible appointment of a committee to consider possible Bylaws and Policies.
7. Review of road rights of way encroachments and Town Public Works policy.
8. Possible review of 2017 decisions relative to previous years.
9. Review of possible Resolution regarding timetable of ARB and ZBA applications review.
10. 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.
11. Schedule of upcoming meetings. Special (to be arranged), June 13, July 11.
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).

## **ADJOURNMENT**