

REGULAR MEETING
AGENDA

Wednesday, May 15, 2019 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.

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. 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.

POSTPONEMENTS AND CONTINUATIONS

The Public Hearing of **CALENDAR NO. 9-2019** , The application of Stephen Shapiro on behalf of Miller River Financial LLC, to allow the construction of a one story covered

porch; 18 Charles Street, has been postponed to June 12 due to incomplete neighbor notifications and possible plan revisions.

Other changes to the meeting agenda may occur after posting and would be announced at the beginning of the meeting.

CONTINUATION OF PUBLIC HEARINGS

Opened on April 10, 2019 and continued to tonight, May 15, 2019. The previously seated ZBA members for these requests are Mike Nedder, Gary Greene, Ruth Anne Ramsey, Barb Hazelton and Dan Nalawade. These hearings must be concluded by tonight May 15th (within 35 days after their April 10th opening). Therefore if the ZBA determines to continue these hearings further the applicants would have to provide an extension allowing the ZBA to continue these hearings until the next scheduled meeting on June 12, 2019. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposals and Deny the applications Without Prejudice.

CALENDAR NO. 6-2019

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Michael A.P. and Theresa K. Facos-Casolo and contract purchasers John and Katherine Mancini submitted on March 13, 2019 for an amendment to the previously approved plans of Calendar No. 1-2019 and variances of Section 406 of the Darien Zoning Regulations, to allow the construction of additional living spaces and the installation of additional HVAC equipment and a pool with equipment; an amendment of Calendar 1-2019 to allow the construction of an additional second floor bedroom and bath within the previously approved residence volume; and Section 406: 24.5 in lieu of 40.0 feet minimum required east rear setback for a second story bonus room; 27.0 in lieu of 40.0 feet minimum required east rear yard setback for the HVAC equipment; 31.5 in lieu of 40.0 feet minimum required east rear yard setback for the pool equipment; and 25.0 in lieu of 40.0 feet minimum required west rear yard setback for the pool. The property is situated on the southwest side of Tokeneke Beach Drive into the Tokeneke Beach Club property approximately 1100 feet south of the intersection of Contentment Island Road and is shown on Assessor's Map #67 as Lot #84, being 1 Tokeneke Beach Drive and located in an R-1 (residential) Zone.

CALENDAR NO. 7-2019

The application of Chris Noe submitted on March 1, 2019 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of a rear addition; Section 334: construction on a portion of the lot with 68.0 in lieu of 100.0 feet minimum required lot depth; and Section 406: 22.0 in lieu of 30.0 feet minimum required front yard setback and 46.7 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Old Kings Highway South. The property is situated on the north side of Old Kings Highway South approximately 500 feet east of the intersection of Boston Post Road

and is shown on Assessor's Map #41 as Lot #152, being 242 Old Kings Highway South and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 8-2019

The application of Lance Zimmerman and Zimmerman Architecture on behalf of Marie Gallagher submitted on March 29, 2019 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement 2½ story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 8,847 in lieu of 14,520 square feet minimum required lot size and 49.9 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 49.9 in lieu of 80.0 feet minimum required lot width. The property is located on the west side of Noroton Avenue approximately 150 feet north of the intersection with Elm Street and is shown on Assessor's Map #21 as Lot #120, being 241 Noroton Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 10-2019

The application of Lyle Fishell and Fishell Architecture on behalf of Stephen Petri and Patricia Murphy submitted on April 15, 2019 for a variance of Section 406 of the Darien Zoning Regulations, to allow the finished attic space to remain; Section 406: 3 in lieu of 2½ maximum stories with 64% in lieu of 50% maximum square footage of the second floor. The property is situated on the west side of Park Lane approximately 300 feet north of the intersection with West Avenue and is shown on Assessor's Map #25 as Lot #3, being 6 Park Lane and located in an R-1/5 (residential) Zone.

CALENDAR NO. 11-2019

The application of Mark S. Lebow and William W. Seymour on behalf of Nicholas & Jennifer Calnen submitted on April 17, 2019 for an interpretation under Section 372 or variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 372: a determination that within 150' of the subject property there is a pronounced uniformity of alignment of the fronts of existing buildings permitting a front yard less than the required 30' depth; or Section 406: 24.5 in lieu of 30.0 feet minimum required front yard setback and 49.5 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Phillips Lane. The property is situated on the south side of Phillips Lane approximately 280 feet west of the intersection with Hoyt Street and is shown on Assessor's Map #25 as Lot #105, being 8 Phillips Lane and located in an R-1/3 (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. If complications arise 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 constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Possible policy regarding applicant contacts to ZBA members.
2. Possible policy regarding correction of violations, encroachments and unpermitted structures.
3. Possible issues for Bylaws and Policies subcommittee to consider.
4. 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.
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).

ADJOURNMENT