

MEMORANDUM

TO: Town Clerk
Park and Recreation Department
TV79
Public Works Department

FROM: Robert Woodside

DATE: September 10, 2020

SUBJECT: ZBA Meeting

The Darien Zoning Board of Appeals will hold a meeting on Wednesday, September 16, 2020 at **7:00 P.M.** in room 206 of Town Hall, and allowing remote access via GoToMeeting. A copy of the agenda is attached.

Application materials on public hearing items have been posted to:
<http://www.darienct.gov/zbapendingapplications>

Zoning Board of Appeals
Wed, Sep 16, 2020 7:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.
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**REGULAR MEETING
AGENDA**

Wednesday, September 16, 2020 7:00 P.M.
Via Go To Meeting 861 201 205
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.

POSTPONEMENTS AND CONTINUATIONS

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

CONTINUATION OF PUBLIC HEARING

Opened on July 15, 2020 and immediately continued to tonight, September 16, 2020 at the applicant's request due to plan complications. Since no testimony, comment, or additional information was provided to the ZBA on July 15th, the seated ZBA panel for this request is those members present tonight.

CALENDAR NO. 12-2020 The application of Christopher Pagliaro Architects on behalf of Samuel B. Fuller submitted on June 17, 2020 for variances of Sections 825f and 406 of the Darien Zoning Regulations, to allow the construction of a foyer/powder room/staircase, raised equipment platform, reconstructed sunroom, and second floor balcony/walkway additions; Section 825f: 13.0 in lieu of 16.0 feet minimum required floor elevation for the foyer/powder room; 9.8 in lieu of 16.0 feet minimum required floor elevation for the lower staircase; and Section 406: 12.0 in lieu of 25.0 feet minimum required side yard setback for the raised equipment platform, 12'± in lieu of 40.0 feet minimum required rear yard setback for the reconstructed sunroom, and 31'± in lieu of 40.0 feet minimum required rear yard setback for the balcony/walkway. The property is situated on the west side of Contentment Island Road approximately 1,000 feet south of Shennamere Road and is shown on Assessor's Map #68 as Lot #27 being 40 Contentment Island Road and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 13-2020 The application of Dennis Peters – designer and D. Peters Designs, LLC on behalf of Christopher & Christine Barkley submitted on June 17, 2020 and amended August 19, 2020 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of an attic story dormer addition; Section 406: 50.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of North Road and 34.0 in lieu of 30.0 feet maximum building height. The property is situated on the northwest side of North Road approximately 450 feet northeast of Butler's Island Road and is shown on Assessor's Map #67 as Lot #71 being 5 North Road and located in an R-1 (residential) Zone.

CALENDAR NO. 14-2020 The application of Peter Daniel submitted on August 11, 2020 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a heating oil tank; Section 406: 28.5 in lieu of 35.0 feet minimum required ease side yard setback. The property is situated on the south side of Hancock Lane approximately 1,100 feet east of Hollow Tree Ridge Road and is shown on Assessor's Map #2 as Lot #78 being 40 Hancock Lane and located in an R-2 (residential) Zone.

CALENDAR NO. 15-2020

The application of Amy E. Souchons, John W. Knuff and Hurwitz Sagarin Slossberg & Knuff LLC on behalf of 7- Eleven Inc. and Duchess Family Restaurant of Darien, Inc. submitted on August 13, 2020 for variances of Section 935 and a determination under Section 1124 of the Darien Zoning Regulations, to allow the installation of pole signage and the construction of a gas station; Section 935.d.3a: for the 7 ELEVEN pole sign 23 in lieu of 18 square feet maximum area; Section 935.d.3b: for the pole sign location 5.0 feet from the front property line in lieu of being no closer than the gas service island; Section 935.d.5a: for the fuel price sign 25 in lieu of 12 square feet maximum area; Section 935.d.5b: for the fuel price sign location 5.0 feet from the front property line in lieu of not being located between the gas island and the street; Section 935: for the 7 ELEVEN and fuel price pole sign 48 in lieu of 30 square feet combined maximum area; and Section 1124: a determination that the proposed location is acceptable for a motor vehicle service use. The property is situated on the southeast side of Boston Post Road approximately 200 feet northeast of Birch Road and is shown on Assessor's Map #32 as Lot #9, being 306 Boston Post Road and located in an SB (commercial) 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. Requested amendment to the approved plans and stipulations of Calendar No. 31-1980, Marianne C. Cirillo, 16 Prospect Avenue.
2. Approval of Minutes of meeting on July 15, 2020. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Dan Nalawade and Barb Hazelton.

3. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
4. Possible adoption of revised application form.
5. Possible policy regarding correction of violations, encroachments and unpermitted structures.
6. Review of proposed State Statute changes relative to Zoning Boards of Appeals.
7. Possible policy regarding applicant contacts to ZBA members.
8. Possible issues for Bylaws and Policies subcommittee to consider.
9. Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.
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. 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