

MEMORANDUM

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

FROM: Robert Woodside

DATE: March 9, 2022

SUBJECT: ZBA Meeting

The Darien Zoning Board of Appeals will hold a meeting on Wednesday, March 16, 2022, at 7:00 P.M. in room 213 of Town Hall, and allowing remote access via GoToMeeting #615-956-597. A copy of the agenda is attached.

Zoning Board of Appeals
Wed, March 16, 2022 7:00 PM - 10:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/615956597>

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REGULAR MEETING
AGENDA

Wednesday, March 16, 2022 7:30 P.M.
Via Go To Meeting #615 956 597
With staff only in Public Meeting Room 213
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 as the Chair instructs within the Go To Meeting procedures. In order to avoid unnecessary distractions, please "mute" when it's not your turn to speak.**

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.

CALENDAR NO. 18-2021 Postponed to April 20 due to lack of neighbor notifications.

The application of Matthew Troy submitted on December 9, 2021 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 37.7 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the northwest side of Great Hill Road approximately 800 feet north of Tokeneke Road and is shown on Assessor's Map #36 as Lot #3, being 19 Great Hill Road and located in an R-1/2 (residential) Zone.

CONTINUATION OF PUBLIC HEARING

This hearing was opened on January 19, 2022 and Continued to tonight March 16, 2022 with an extension granted by the applicant. The previously seated ZBA members for this application were Mike Nedder, Jeff Williams, Kevin Fullington, Gary Greene and Dan Nalawade. Other members may need to substitute as necessary. This hearing must be concluded by tonight March 16. However, if necessary the applicant may grant an additional extension allowing the ZBA to continue this hearing further to as late as April 29. The next scheduled ZBA meetings are March 23 and April 20, 2022.

CALENDAR NO. 19-2021 The application of Amy Zabetakis, Esq. on behalf of John and Abigail Moore submitted on December 22, 2021 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of two story and second story house additions with extended roof eave overhangs; construction of garage building extended roof overhangs; and installation of AC equipment; Section 406: 5.0 in lieu of 15.0 feet minimum required east side yard setback for the garage building overhangs; 3.4 in lieu of 10.0 feet minimum required west side yard setback for the house overhangs; 13.2 in lieu of 15.0 feet minimum required east side yard setback for the house AC units; and construction of additional volume on a property with 22.4% in lieu of 20.0% maximum allowable building coverage. The property is situated on the south side of Renshaw Road approximately 600 feet east of Boston Post Road and is shown on Assessor's Map #41 as Lot #93, being 11 Renshaw Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 1-2022 The application of Tara O'Connell submitted on January 19, 2022 for a variance s of Section 406 of the Darien Zoning Regulations, to allow the construction of an enlarged one story deck; Section 406: 21.5 in lieu of 20.0% maximum allowable building coverage. The property is situated on the west side of Old Kings Highway South approximately 300 feet south of Waring Lane and is shown on Assessor's Map #63 as Lot #31, being 106 Old Kings Highway South and located in an R-1/3 (residential) Zone.

CALENDAR NO. 2-2022 The application of Brian P. McMahon and Redniss & Mead, Inc. on behalf of Stephen McVey and Woodway Country Club Inc. submitted on January 19, 2022 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction/lifting of the existing residence in a flood zone; Section 406: 43.9 in lieu of 50.0 feet minimum required south rear yard setback and 29.6 in lieu of 50.0 feet minimum required north rear yard setback. The property is accessed by a common driveway situated on the west side of Hoyt Street approximately 800 feet north of Country Club Road and is shown on Assessor's Map #3 as Lot #145, being 552 Hoyt Street and located in an R-2 (residential) Zone.

CALENDAR NO. 3-2022 The application of Robert F. Maslan, Jr., Esq on behalf of Z8, LLC submitted on February 17, 2022 for a variance s of Sections 334 and 786 of the Darien Zoning Regulations, to allow the construction of a replacement building and the installation of HVAC equipment; Sections 334 and 786(4): 48.0 in lieu of 100.0 feet minimum required lot depth and Section 786(7): 15.1 in lieu of 20.0 minimum required rear yard setback for the building; and Section 786(7): 13.0 in lieu of 20.0 minimum required rear yard setback for the equipment. The property is situated on the northeast side of Tokeneke Road approximately 200 feet west of Five Mile River Road and is shown on Assessor's Map #36 as Lot #83, being 282 Tokeneke Road and located in an NB (commercial) Zone.

DELIBERATIONS AND DECISIONS

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.

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. Approval of Minutes of meeting on December 15, 2021. ZBA members attending this meeting were Mike Nedder, Jeff Williams, Gary Greene, Kevin Fullington, and Barb Hazelton.
2. Approval of Minutes of meeting on January 19, 2022. ZBA members attending this meeting were Mike Nedder, Jeff Williams, Gary Greene, Kevin Fullington, and Dan Nalawade.
3. Requested six month extension, received March 1, 2022, to obtain all required permits and begin on-site construction for ZBA Calendar No. 14-2021, Noah & Kristen Charney, 9 Butlers Island Road. The Public Hearing of this matter was September 22, 2021. Initial ZBA approval expires on March 30, 2022.
4. Election of Officers, by regular members.
5. Consideration of scheduling meetings at 7:30PM.
6. Consideration of proposed State legislation regarding ZBA function.
7. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
8. Consideration of returning to live meetings.
9. Use of online applications.
10. Possible meeting with Town Counsel to consider possible policies.
 - a. regarding correction of violations, encroachments and unpermitted structures.
 - b. regarding applicant contacts to ZBA members.
 - c. regarding duties of staff and duties of chair.
11. Possible issues for Bylaws and Policies subcommittee to consider.
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