

**TOWN OF DARIEN  
ZONING BOARD OF APPEALS**



**RECEIVED**

**NOV 10 2022**

TOWN CLERK'S OFFICE  
DARIEN CT.

**REGULAR MEETING  
AGENDA**

Wednesday, November 16, 2022, 7:30 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 others' 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.

The following application Public Hearing is to be Postponed to at least the December 14 ZBA meeting at the applicant's request:

**CALENDAR NO. 12-2022** The application of Mathew Albertelli submitted on August 15, 2022 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement detached accessory garage structure with a storage shelf; Section 406f: 18.9' in lieu of 15.0' maximum allowable accessory structure ridge height. The property is situated on the west side of Chester Road approximately 400 feet south of Devon Road and is shown on Assessor's Map #24 as Lot #54, being 20 Chester Road and located in an R-1/3 (residential) Zone.

### **CONTINUED PUBLIC HEARINGS**

**CALENDAR NO. 15-2022** The application of David & Jennifer Brown submitted on August 23, 2022 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second and two story additions; Section 406: 15.4 in lieu of 40 feet minimum required front yard setback for the second story addition and 16.5 in lieu of 40 feet minimum required front yard setback for the two story addition. The property is situated on the east side of Revere Road approximately 350 feet east of the intersection of Noroton Avenue and is shown on Assessor's Map #9 as Lot #31, being 15 Revere Road and located in an R-1/2 (residential) Zone.

**CALENDAR NO. 10-2022** The application of Jeffrey Mirman on behalf of Cindy Hardy submitted on August 11, 2022 for an appeal of the Building Permit, B-21-207 (should be B-22-207), issued on June 8, 2022 to Jeffrey Brown. The subject property is accessed by a common driveway situated on the west side of Peach Hill Road approximately 700 feet west of Mansfield Avenue and is shown on Assessor's Map #6 as Lot #129, being 26 Peach Hill Road and located in an R-1 (residential) Zone.

### **PUBLIC HEARINGS**

**CALENDAR NO. 14-2022** The application of Beatriz M. DeSantiz and BM Design LLC on behalf of Elvis Robles - Crypto Life LLC submitted on August 24, 2022 and amended on October 5, 2022 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; a variance of Section 383 and an interpretation of Section 402 of the Darien Zoning Regulations to allow the existing two family residence to remain with alterations and expansion; Section 383: alterations and expansion to the residence exceeding 50% of the current fair market value of the structure; and Section 402: a determination that the two family residence is a legally non-conforming use; and variances of Sections 402 and 382 of the Darien Zoning Regulations, to allow the construction of one story, second story and

attic story additions; Section 402a: two in lieu of one single family dwelling on its own lot; and Section 382: enlargement of a non-conforming, two residence use of the property. The property is situated on the west side of Herman Avenue at the intersection of Edgewood Road and is shown on Assessor's Map #20 as Lot #111, being 35 Herman Avenue and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 21-2022** The application of Joseph Polito and Polito Construction on behalf of Christina O'Connell submitted on October 13, 2022 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story dormer addition; Section 406: 32.0 in lieu of 40 feet minimum required rear yard setback. The property is situated on the east side of Nickerson Lane approximately 900 feet east of the intersection of Nearwater Lane and is shown on Assessor's Map #52 as Lot #11, being 21 Nickerson Lane and located in an R-1 (residential) 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**

1. Approval of Minutes of meeting on September 21, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, Jana Romine, and Barb Hazelton.
2. Approval of Minutes of meeting on September 28, 2022. ZBA members attending this meeting were Jeff Williams, Matt Lauria, Dan Nalawade, Gary Greene and Barb Hazelton.
3. Approval of Minutes of meeting on October 19, 2022. ZBA members attending this meeting were Jeff Williams, Gary Greene, Jana Romine, Matt Lauria, Dan Nalawade, and Barb Hazelton.

4. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Barb Hazelton, Gary Greene, Jana Romine, and Matt Lauria.
5. Review of Draft Policy regarding Outside Contacts with Members.
6. Possible scheduling of meeting with Town Counsel Wayne Fox to consider the justification value of reducing property nonconformities, recent case law and ZBA evaluation criteria.
7. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
8. Consideration of recommendations to the Planning & Zoning Commission for possible regulation changes, such as covered porch allowances or minimum lot width limitations.
9. 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