

**REGULAR MEETING**  
**AGENDA**

Wednesday, September 10, 2014 7:45 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 HEARING**

**CALENDAR NO. 31-2014**

Opened on July 16, 2014 and continued to tonight, September 10, 2014. The previously seated ZBA members for this request are Vic Capellupo, Chuck Deluca, Jeff Williams,

Mike Nedder and Ruth Anne Ramsey. Gary Greene and Rich Wood have also reviewed the application materials, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing at the October 15, 2014 meeting.

The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Pearson Cain Properties LLC submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 10.0 in lieu of 15.0 feet minimum required north side yard setback and 51.6 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Raymond Heights. The property is situated on the west side of Raymond Heights approximately 400 feet northwest of the intersection with Raymond Street and is shown on Assessor's Map #36 as Lot #88, being 13 Raymond Heights and located in an R-1/2 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 37-2014**

The application of Eric & Diana Voigt submitted on August 13, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the expansion of an existing second story dormer; Section 406: 23.1 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the northwest corner of the intersection of Middlesex Road and Sunnyside Avenue and is shown on Assessor's Map #27 as Lot #9, being 61 Middlesex Road and located in the R-1/3 (residential) Zone.

### **CALENDAR NO. 29-2014**

The application of Shaikh Maqsood submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition; Section 406: 14.5 in lieu of 25.0 feet minimum required front yard setback; 11.5 in lieu of 18.9 feet minimum required north side yard setback; and 12.6 in lieu of 20.0 feet minimum required total of two side yard setbacks. The property is situated on the east side of Brookside Drive approximately 300 feet north of the Interstate 95 overpass and is shown on Assessor's Map #47 as Lot #9, being 51 Brookside Drive and located in the R-1/5 (residential) Zone.

**CALENDAR NO. 33-2014**

**POSTPONED TO OCTOBER 15**

The application of David G. Madon and Albertine L. Madon submitted on July 16, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the existing shed to remain; Section 406: 1.5 in lieu of 25.0 feet minimum required side yard setback and 8.1 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the northwest side of the Shennamere Road cul-de-sac approximately 500 feet south of the intersection with Contentment Island Road and is shown on Assessor's Map #68 as Lot #10, being 15 Shennamere Road and located in an R-1 (residential) Zone.

**CALENDAR NO. 34-2014**

The application of Robert Farley submitted on July 31, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement front entry portico, steps and entry landing; Section 406: 23.4 in lieu of 25.0 feet minimum required front yard setback and 43.4 in lieu of 50 feet minimum required front yard setback as measured from the center line of Bailey Avenue. The property is situated on the north side of Bailey Avenue approximately 210 feet west of the intersection with Leroy Avenue and is shown on Assessor's Map #39 as Lot #70, being 8 Bailey Avenue and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 35-2014**

The application of Kevin Doyle on behalf of Alliance Energy LLC submitted on August 7, 2014 for an amendment of the previously approved plans of Calendar No. 15-1993 and variances of Section 926 of the Darien Zoning Regulations; to allow the installation of a replacement ground sign with L.E.D. lighting; Section 926: 12.3 in lieu of 30.0 feet minimum required front yard setback; 8 inch in lieu of 4 inch maximum height of letters/numbers; and L.E.D. sign illumination where that is not permitted. The property is situated on the northwest side of the Boston Post Road approximately 90 feet southwest of the intersection with Richmond Drive and is shown on Assessor's Map #13 as Lot #5, being 211 Boston Post Road and located in the SBE (Service Business East - commercial) Zone.

**CALENDAR NO. 36-2014**

The application of Nancy and Brian Kaschel submitted on August 12, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow an existing deck to remain; Section 406: 19.0 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the west side of Andrews Drive approximately 150 feet south of the

intersection with Old King's Highway South and is shown on Assessor's Map #63 as Lot #74, being 3 Andrews Drive and located in the R-1/2 (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. Discussion, deliberation, and possible decision of Calendar No. 32-2014, William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge, 2748 Boston Post Road, previously heard by the ZBA on July 16, 2014. Decision deadline is September 19, 2014 (within 65 days after completion of the hearing on July 16<sup>th</sup>). The applicant may provide up to a 65 day extension allowing the ZBA to table this decision until a later meeting (up to 130 total days from the July 16<sup>th</sup> close of the hearing). The next scheduled regular ZBA meetings are September 17 and October 15, 2014. Seated ZBA members for this request are Vic Capellupo, Chuck Deluca, Jeff Williams, Mike Nedder, Rich Wood and Ruth Anne Ramsey.
2. Requested amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.
3. Approval of Minutes of meeting on April 9, 2014. ZBA members attending this meeting were Chuck Deluca, Gary Greene, Vic Capellupo, Jeff Williams and John Ashburne.
4. Approval of Minutes of meeting on June 25, 2014. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Rich Wood, Kevin Fullington and Mike Nedder.

5. Approval of 2015 Meeting Schedule.
6. 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.
7. 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).