

REGULAR MEETING
AGENDA

Wednesday, March 13, 2013 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. And 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 - To be reopened and recontinued to April 10, 2013 at the applicant's request.

CALENDAR NO. 56-2012

The application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto filed on December 19, 2012 for an interpretation under Section 337 and

variances of Sections 332 and 334 of the Darien Zoning Regulations; to allow the construction of two residences; Section 337: a determination as to the proper application of the Zoning Regulation requirements; Section 332: 0.0 in lieu of 50.0 feet minimum required lot frontage on a street; Section 334: construction on a portion of a lot with 97.0 in lieu of 100.0 feet minimum required lot depth. The property is situated at the end of a right of way on the north side of Raymond Street approximately 380 feet east of the intersection of Cliff Avenue and Raymond Street and is also situated at the end of Carolyn Court approximately 300 feet west of the intersection of Carolyn Court and Rowayton Avenue in Norwalk and is shown on Assessor's Map #36 as Lots #107 and 108, being 000 Raymond Street and located in an R-1/5 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 4-2013

The application of Nina Cuccio Peck on behalf of John W. and Anne S. Geissinger filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the expansion of an existing one story garage; Section 406: 23.5 in lieu of 25.0 foot minimum required side yard setback. The property is situated on the north side of Sylvan Road approximately 300 feet east of the intersection of Brookside Road and Sylvan Road and is found on Assessor's Map #4 as Lot #76, being 9 Sylvan Road and located in the R-1 (residential) Zone.

CALENDAR NO. 5-2013

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Richard E. and Cornelia P. Thornburgh filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement in-ground swimming pool with deck and a basement; Section 406: 17.0 in lieu of 40.0 feet minimum required rear yard setback; and Section 825: construction of basement space at 9.0 in lieu of 12.0 feet minimum required floor elevation. The property is situated on the south side of the common driveway at the end of Candlewood Lane approximately 400 feet southwest of the intersection of Hawthorne Road and Candlewood Lane and is found on Assessor's Map #62 as Lot #71, being One Candlewood Lane and located in the R-1 (residential) Zone.

CALENDAR NO. 6-2013

The application of Stephen and Geraldine Butkovsky filed on January 16, 2013 for a variance of Section 406 or 386-b of the Darien Zoning Regulations; to allow the construction of a replacement one story detached garage; Section 406: 16.9 in lieu of 25.0 feet minimum required side yard setback and 38.5 in lieu of 40.0 feet minimum required rear yard setback; or Section 386-b: restoration of a damaged structure which cost exceeds 50% of its current fair market value. The property is situated on the south side of Old

Kings Highway South approximately 130 feet east of the intersection formed by Boston Post Road and Old Kings Highway South and found on Assessor's Map #49 as Lot #48, being 259 Old Kings Highway South and located in the R-1 and R-1/2 (residential) Zones.

CALENDAR NO. 7-2013

The application of Jan and Charles Raymond filed on February 13, 2013 for a variance of Section 416 of the Darien Zoning Regulations; to allow the raising of the existing residence; Section 416: 22.9 in lieu of 30.0 feet minimum required front yard setback; 12.8 in lieu of 15.0 feet minimum required north side yard setback; 14.6 in lieu of 15.0 feet minimum required south side yard setback; and construction of additional building volume on a lot with 21.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the east side of Waverly Road approximately 400 feet north of the intersection formed by Baywater Drive and Waverly Road and found on Assessor's Map #55 as Lot #34, being 11 Waverly Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

CALENDAR NO. 8-2013

The application of Robert and Katherine Lavin filed on February 13, 2013 for a variances of Sections 331 and 402 of the Darien Zoning Regulations; to allow the existing residence to remain until the proposed replacement residence is completed; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The property is situated on the east side of Middlesex Road approximately 300 feet south of the intersection of Saddle Ridge Road and Middlesex Road and found on Assessor's Map #6 as Lot #158, being 480 Middlesex Road and located in the R-2 (residential) Zone.

CALENDAR NO. 9-2013

The application of Chad Nehring, AIA and Nehring + Associates Architecture LLC on behalf of Andrew and Jessica Black filed on February 13, 2013 for variances of Sections 416 of the Darien Zoning Regulations; to allow the raising of the existing residence and the construction of substantial additions and alterations; Section 410: 20.5 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the north side of Shipway Road at the northwest corner of the intersection formed by Waverly Road and Shipway Road and found on Assessor's Map #57 as Lot #29, being 4 Shipway Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

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 decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Approval of Minutes of meeting on January 16, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Stephen Olvany, Jeff Williams, Rich Wood and Ruth Anne Ramsey.
3. General discussion of Recent Recommendations to the P&ZC, 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.
4. 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).