

REGULAR MEETING
AGENDA

Wednesday, April 11, 2012 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.

PUBLIC HEARINGS

CALENDAR NO. 16-2012

The application of Susan M. Swiatek on behalf of Town of Darien Parks & Recreation and Darien Little League filed on March 14, 2012 for a variance of Section 362 of the Darien Zoning Regulations, to allow the installation of replacement ballfield fencing;

Section 362: 6', 8', and 20' in lieu of 4.0 feet maximum allowable fence height within the Brookside Road front yard setback space and within the 25' north side yard setback space. The ballfield portion of the property is situated on the east side of Brookside Road approximately 400 feet south of the intersection of Hamilton Lane and Brookside Road and is shown on Assessor's Map #11 as Lot #31, being 120 Brookside Road and located in an R-1 (residential) Zone.

**CALENDAR NO. 52-2012 TO BE OPENED AND IMMEDIATELY
CONTINUED TO MAY 16, 2012**

The application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims filed on December 21, 2011 for variances of Sections 666, 944, and if necessary 1056 of the Darien Zoning Regulations, to allow the construction of a one and one-half story addition; Section 666: 20.3 in lieu of 30.0 feet minimum required front yard setback relative to Old Kings Highway South, 0.25 in lieu of 0.0 feet or 4.0 minimum required side yard setback, on a property with 86.7 in lieu of 80.0 maximum allowable developed site area; Section 944; 20.35 in lieu of 25.0 feet minimum required landscape buffer, modifications of the previously established 25.0 feet minimum required landscape buffer; and if necessary Section 1056: reduction of the 1,000 square foot minimum required disabled vehicle storage area. The property is situated on the east side of Boston Post Road opposite the corner formed by the intersection of Hecker Avenue and Boston Post Road, and is situated on the west side of Old Kings Highway South approximately 100 feet south of the intersection of Goodwives River Road and Old Kings Highway South, and is shown on Assessor's Map #63 as Lots #15, 16, and 17, being 1416 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 53-2011

The application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe filed on December 21, 2011 for variances of Sections 406, 906.3a and 226 of the Darien Zoning Regulations, to allow the construction of a replacement two story residence with a covered front porch, parking and AC equipment, propane and/or generator equipment; Section 406: 16.7 in lieu of 25.0 feet minimum required front yard setback and 34.3 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the residence; 13.7 in lieu of 25.0 feet minimum required front yard setback and 31.2 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the front porch; 22.0 in lieu of 25.0 feet minimum required front yard setback and 38.3 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street for the equipment; Section 906.3a: 0 in lieu of 2 conforming parking spaces; and Section 226: 16.9 in lieu of 24.0 feet minimum required parking backup space. The property is situated on the east side of Raymond Street approximately 500 feet north of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #101, being 26 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 12-2012

The application of Philip De Terlizzi filed on March 14, 2012 for a variance of Section 334 of the Darien Zoning Regulations, to allow the renovation of the existing house and the construction of second story and two and one-half story additions; Section 334: construction on a portion of the lot with 71 in lieu of 100 feet minimum required lot width. The property is situated on the south side of Old Kings Highway South approximately 350 feet east of the intersection of Waring lane and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #78, being 87 Old Kings Highway South and located in an R-1/2 (residential) Zone.

CALENDAR NO. 13-2012

The application of Chad Nehring, AIA on behalf of Gavin & Melissa Baiera filed on March 14, 2012 for an amendment to the approved plans of Calendar No. 43-2004, to allow the alteration of 2 first floor spaces, the construction of a second floor roof deck, and removal of Stipulation #1 of the 2004 ZBA decision in order to allow a former storage area to continue to be used for living space. The property is an interior lot situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor's Map #57 as Lot #43, being 26 Shipway Road (formerly the property of Janice A. Mahaney) and located in an R-1 (residential) Zone.

CALENDAR NO. 14-2012

The application of Holly Giordano filed on March 14, 2012 for a variance of Section 362 of the Darien Zoning Regulations, to allow the installation of a six foot high fence; Section 362: 6' in lieu of 4.0 feet maximum allowable fence height within the Top O Hill Road front yard setback space. The property is a through lot situated on the south side of the Leeuwarden Lane cul de sac and on the north side of the Top O Hill Road cul de sac (where the fence is proposed) and is shown on Assessor's Map #29 as Lot #105, being 17 Leeuwarden Lane and located in an R-1 (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. Requested amendment to the approved plans of Calendar No. 8-2012, property of Kathleen Willcox, 117 West Avenue.
3. Update on status of exterior lighting relative to a stipulation of Calendar No. 2-2012, Anthony's Coal Fired Pizza, 319 Boston Post Road.
4. Approval of Minutes of meeting on March 14, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.
5. General discussion of subcommittee work on 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.
6. 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).