

TOWN OF DARIEN
ZONING BOARD OF APPEALS



REGULAR MEETING
AGENDA

Wednesday, December 12, 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. 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. 45-2012

TO BE REOPENED AND
RECONTINUED TO JANUARY 16th

The application of Kathleen and Hugh Golden filed on September 19, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two story dwelling; Section 385: a determination

that the subject lot is a legal nonconforming building lot with 80.0 in lieu of 100.0 feet minimum required lot width, and 16,795 in lieu of 21,780 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 80.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the south side of Sunset Road approximately 1,000 feet east of the intersection of Mansfield Avenue and Sunset Road and is shown on Assessor's Map #15 as Lot #80, being 22 Sunset Road and located in an R-1/2 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 49-2012

TO BE OPENED AND CONTINUED TO JANUARY 16th

The application of Beth Harrington-Howes on behalf of Judith W. Kilmartin filed on November 14, 2012 for variances of Sections 406 and 820 of the Darien Zoning Regulations; to allow raising of the house with modifications, construction of a front porch, and maintenance of the existing crawl space; Section 406: 17.9 in lieu of 30.0 feet minimum required Shipway Road front yard setback, 26.0 in lieu of 30.0 feet minimum required Nearwater Lane front yard setback; and Section 820: maintenance of the existing crawl space and equipment below 11.0 minimum floor elevation, and substantial improvements without making the entire structure features conform to all the Flood Damage Prevention regulations. The property is situated at the southeast corner formed by the intersection of Nearwater Lane and Shipway Road and is shown on Assessor's Map #55 as Lot #1, being 176 Nearwater Lane and located in the R-NBD (Noroton Bay District - Residential) Zone.

CALENDAR NO. 50-2012

The application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin and Melissa Baiera filed on November 14, 2012 for variances of Sections 334, 364, and 406 of the Darien Zoning Regulations; to allow the construction of a pool with equipment and fencing, and the relocation of a playset structure; Section 334: construction and installation of structural features, on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; Section 364: elimination of the 6' high permanent solid fence requirement; and Section 406: 20.0 in lieu of 40.0 feet minimum required east rear yard setback for the pool, 28.6 in lieu of 40.0 feet minimum required east rear yard setback for the equipment, and 25.0 in lieu of 40.0 feet minimum required east rear yard setback for the playset. The property is an interior lot accessed from a driveway 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 Assessor's Map #57 as Lot #43, being 26 Shipway Road and located in an R-1 (residential) Zone.

CALENDAR NO. 51-2012

4 ZBA MEMBERS AVAILABLE

The application of Luke Raymond filed on November 14, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of a propane tank; Section 406: 9.7 in lieu of 15.0 feet minimum required south side yard setback, and 21.36% in lieu of 20.0% maximum allowable coverage. The property is situation on the east side of Nearwater Lane approximately 80 feet south of the intersection of Nearwater Lane and Shipway Road and is shown on Assessor's Map #55 as Lot #2, being 178 Nearwater Lane and located in the R-NBD (Noroton Bay District - Residential) Zone.

CALENDAR NO. 52-2012

4 ZBA MEMBERS AVAILABLE

The application of Kathleen Willcox filed on November 14, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second and two story additions; Section 406: 11.1 in lieu of 16.8 feet minimum required northeast side yard setback, 8.2 in lieu of 13.9 feet minimum required southwest side yard setback, and 19.3 in lieu of 25.0 minimum required total of two side yards setback. The property is situated on the southeast side of West Avenue approximately 450 feet southwest of the intersection of Stony Brook Road and West Avenue and is shown on Assessor's Map #39 as Lot #93, being 117 West Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 54-2012

The application Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc. filed on November 14, 2012 for variances of Sections 923.4, 923.1, 928.8 and 923.3 of the Darien Zoning Regulations; to allow the installation of two wall signs and a blade sign; Section 923.4: two in lieu of one maximum wall sign; Section 923.1: two in lieu of one maximum wall sign, 45" in lieu of 10" maximum side door sign wheel figure height, 15.5" in lieu of 10" maximum front wall sign letters height, 20" in lieu of 10" maximum front wall sign wheel figure height, and 37.7 in lieu of 0.0 square feet maximum sign area; Section 928.8: a wall sign to be located on the front of the building where none is permitted; and Section 923.3: 72" in lieu of 40" maximum blade sign projection. The subject space is located in the northeast corner of the Goodwives Shopping Center building within the property situated on the east side of Old Kings Highway North at the southeast corner formed by the intersection of Old Kings Highway North and Sedgwick Avenue and found on Assessor's Map #71 as Lot #19, being 25 Old Kings Highway North and located in a DC (commercial) Zone.

CALENDAR NO. 55-2012

The application Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Kenneth and Donah Antonelli, Trustees and Ken McCoy, and filed on November 14, 2012 for

interpretations, and variances if necessary, of Section 339, previous ZBA determinations and the Zoning Enforcement Officer's determinations relative to the applicable lot depth and minimum setbacks. The property is an interior lot situated on the west side of Five Mile River Road approximately 600 feet south of the intersection of Tokeneke Road and Five Mile River Road and is shown on Assessor's Map #66 as Lot #102, being 18 Five Mile River Road and located in a R-1 and R-1/2 (residential) Zones.

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 six month extension, received November 20, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 57-2010, 205 Post Road Development Partners, 205 Boston Post Road. The Public Hearing of this matter was September 22, 2010. Following a November 15, 2011 request, on November 16, 2011 the ZBA granted an extension to June 7, 2012. Following a May 3, 2012 request, on May 16, 2012 the ZBA granted an extension to December 7, 2012.
3. Approval of Summary Minutes of meeting on July 18, 2012. ZBA members attending this meeting were Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey and John Ashburne.
4. Approval of Minutes of meeting on October 17, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, John Ashburne, Ruth Anne Ramsey, and Rich Wood.
5. Approval of Minutes of meeting on November 14, 2012. ZBA members attending this meeting were Vic Capellupo, Jeff Williams, Chuck Deluca, Steve Olvany, John Ashburne and Rich Wood.
6. Requested amendment to the approved plans of Calendar No. 19-2012, Michael Bret Pastor & Devon Field Pastor, 90 Five Mile River Road.
7. Requested amendment to the approved plans of Calendar No. 10-2011, Thomas Almeida/Thais Gherardi, 45 Hoyt Street.

8. Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.
9. 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.
10. 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).