

REGULAR MEETING
AGENDA

Wednesday, July 27, 2011 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. Any information considered must be clearly provided and all hearing comments are recorded. Therefore **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.

This appears to be a relatively heavy agenda which the ZBA will make every reasonable effort to complete. However complications may arise and it may be difficult to properly consider all of the requests. **You can be helpful by making your presentation efficiently.** Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. Some hearings may be completed tonight but ZBA deliberation of them may be postponed to a later date. Due to necessary scheduling of ZBA members, the following items may be considered out of sequence. And application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. You may also prefer to make inquiries to ZBA office staff at 203-656-7351 tomorrow.

CONTINUATION OF PUBLIC HEARING

Opened on May 18, 2011, continued on June 15, 2011, recontinued on June 22, 2011, recontinued on July 20, 2011, and then recontinued to tonight, July 27, 2011.

CALENDAR NO. 18-2011

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates, P.C. on behalf of Christian Zawacki and Ann Marie Zawacki filed on April 20, 2011 for an interpretation of

Section 385, an interpretation of Section 210, and variances of Sections 334 and 406 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 13,579 in lieu of 43,560 square feet minimum required lot size and 75.0 in lieu of 150.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 210: a determination that Oriole Lane is not a street relative to the definition of yards and minimum required setbacks; Section 334: construction on a building lot with 75.0 in lieu of 150.0 feet minimum required lot width; and Section 406: 13.0 in lieu of 25.0 feet minimum required east side yard setback; and 8.5 in lieu of 40.0 feet minimum required Oriole Lane front yard setback or 8.5 in lieu of 25.0 feet minimum required west side yard setback if Oriole Lane is not a street. The property is situated on the north side of Mansfield Place approximately 400 feet east of the intersection of Mansfield Avenue and Mansfield Place and is shown on Assessor's Map #10 as Lot #66, being 7 Mansfield Place and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 26-2011

The application of Attorney Benjamin Proto on behalf of Aquarion Water Company filed on June 22, 2011 for an appeal of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer. The property is situated at the southeast corner formed by the intersection of Chestnut Street and Noroton Avenue and extends along the south side of Chestnut Street approximately 275 easterly, and is shown on Assessor's Map #21 as Parcels #55 and #56, and located in an R-1/3 (residential) Zone.

CALENDAR NO. 27-2011

The application of Amy S. Zabetakis, Esq. on behalf of Lauren & Patrick Palomo filed on June 22, 2011 for variances of Sections 406 and 825d of the Darien Zoning Regulations, to allow the existing basement and first floor to remain and to allow the construction of a one story addition; Section 406: 45.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Rose Lane; and Section 825d: maintenance of basement space at 30.7 in lieu of 40.0 feet minimum required floor elevation; maintenance of existing first floor living space at 38.1 in lieu of 40.0 feet minimum required floor elevation; and construction of additional first floor living space at 38.1 in lieu of 40.0 feet minimum required floor elevation. The property is situated on the south side of Rose Lane approximately 100 feet east of the intersection of Denhurst Place and Rose Lane and is shown on Assessor's Map #25 as Lot #14, being 104 Rose Lane and located in an R-1/5 (residential) Zone.

CALENDAR NO. 28-2011

The application of Craig Kolkman on behalf of Craig Kolkman & Judy Kirst-Kolkman filed on June 22, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the conversion of an accessory one story storage/workspace into an exercise/family room; Section 406: 0.4 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the east side of Five Mile River Road approximately 1500 feet southeast of the intersection of Berry Lane and Five Mile River Road and is shown on Assessor's Map #66 as Lot #22, being 95 Five Mile River Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 29-2011

The application of David A. Rosevear filed on June 22, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story addition; Section 406: 18.5 in lieu of 25.0 feet minimum required front yard setback. The property is situated on the north side of Patton Drive at the southwest corner formed by the intersection of Hollow Tree Ridge Road and Patton Drive and is shown on Assessor's Map #48 as Lot #7, being 1 Patton Drive and located in an R-1/5 (residential) Zone.

CALENDAR NO. 30-2011

The application of Brian Carney on behalf of Art Bellis filed on June 22, 2011 for 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 north side of Marianne Road at the intersection of Shady Acres Road and Marianne Road and is shown on Assessor's Map #1 as Lot #92, being 22 Marianne Road and located in an R-2 (residential) Zone.

CALENDAR NO. 31-2011

TO BE OPENED AND CONTINUED TO

SEPTEMBER 21st AT THE APPLICANT'S REQUEST

The application of Gleason & Associates LLC on behalf of Stephen Irish filed on June 22, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the reconstructed and enlarged deck to remain; Section 406: 19.0 in lieu of 25.0 feet minimum required front yard setback and 37.0 in lieu of 50.0 feet minimum required front yard

setback as measured from the centerline of Raymond Street. The property is situated on the east side of Raymond Street approximately 500 feet north of the intersection of Tokeneke Road and Raymond Street and is shown on Assessor's Map #36 as Lot #100, being 24 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 32-2011

The application of Erik Kaeyer, AIA on behalf of Holly Drake filed on June 22, 2011 for a variance of Section 334 of the Darien Zoning Regulations, to allow the reconstruction and enlargement of the kitchen/garage wing of the house and the construction of a second story addition and a deck; Section 334: construction on a portion of the lot with 120 in lieu of 150 feet minimum required lot depth. The property is situated on the north side of the Tanglewood Trail cul de sac approximately 800 feet west of the intersection of Rocaton Road and Tanglewood Trail and is shown on Assessor's Map #18 as Lot #34, being 9 Tanglewood Trail 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. Election of Officers by regular ZBA members.
3. Approval of 2012 Meeting Schedule.
4. Approval of Minutes of meeting on May 18, 2011. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, and Jeff Williams.
5. Approval of Minutes of meeting on June 15, 2011. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, and Ruth Anne Ramsey.
6. Approval of Minutes of meeting on June 22, 2011. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, and Jeff Williams.

7. Review of possible response/recommendation to an alleged discrepancy between Darien Zoning Regulations and State Statutes regarding the limitations and timing of applications to the ZBA.
8. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
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).