

**SPECIAL MEETING**  
**AGENDA**

Wednesday, October 12, 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. 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.

**This appears to be a 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 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. 30-2011**

Opened on July 20, 2011 and immediately continued to July 27, 2011 due to the lack of a full 5 member panel. Reopened on July 27, 2011 when some testimony was given and additional information was provided. After complications developed, the ZBA determined to Continue

this hearing to the next meeting scheduled for September 21, 2011. The hearing was reopened on September 21, 2011 and immediately recontinued at the applicant's request to tonight October 12, 2011 due to the lack of a full 5 member panel. The ZBA members present for the July 27, 2011 segment of this hearing were Gary Greene, Chuck Deluca, Jeff Williams, John Ashburne, and Rich Wood. The ZBA may recontinue this hearing, with the applicant's consent, until no later than October 28, 2011 (up to 100 total days from its July 20<sup>th</sup> opening).

The application of Brian Carney on behalf of Art Bellis filed on June 22, 2011 for an interpretation of Section 385 and variances of Sections 334, 331 and 402 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story residence; and to allow the existing residence to remain until the replacement residence is completed; Section 385: a determination that the subject lot is a legal nonconforming building lot with 52,650 in lieu of 87,120 square feet minimum required lot size and 140.0 in lieu of 200.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 140.0 in lieu of 200.0 feet minimum required lot width; 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.

### **CONTINUATIONS OF PUBLIC HEARINGS**

The following 7 Public Hearings were all opened on September 21, 2011 and immediately continued to tonight, October 12, 2011 at the applicants' requests due to the lack of a full 5 member panel on September 21<sup>st</sup>. Since no testimony, comment, or additional information was provided to the ZBA on September 21<sup>st</sup>, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by October 26, 2011 (within 35 days after its September 21<sup>st</sup> opening). The next scheduled regular ZBA meeting is October 19, 2011. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing to a later date (up to 100 total days).

### **CALENDAR NO. 34-2011**

The application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn filed on August 24, 2011 for a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a two and one half story residence with HVAC equipment, and a detached two story garage; Section 334: building construction and adequate related site improvements on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Chestnut Street approximately 230 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #55, to be known as 23 Chestnut Street and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 35-2011**

Opened on September 21, 2011 and immediately continued to tonight, October 12, 2011 at the applicants' requests due to the lack of a full 5 member panel on September 21<sup>st</sup>. Since no testimony, comment, or additional information was provided to the ZBA on September 21<sup>st</sup>, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by October 26, 2011 (within 35 days after its September 21<sup>st</sup> opening). The next scheduled regular ZBA meeting is October 19, 2011. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing to a later date (up to 100 total days).

The application of Attorney Benjamin Proto on behalf of Aquarion Water Company of Conn filed on August 24, 2011 for variances of Sections 334 And 406 of the Darien Zoning Regulations, to allow the construction of a two story residence with HVAC equipment, and a detached two story garage; Section 334: building construction and adequate related site improvements on a building lot with 60.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 25.0 in lieu of 30.0 feet minimum required front yard setback, and 45.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Chestnut Street. The property is situated at the southeast corner formed by the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #56, to be known as 27 Chestnut Street and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 38-2011**

The application of Heather R. Fusco, Esq. on behalf of 19 OKH LLC filed on August 24, 2011 for variances of Sections 925.1 and 715 of the Darien Zoning Regulations, to allow the installation of a ground/monument sign; Section 925.1: 40 in lieu of 4 inches maximum figure height; and Section 715: 4.5 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Old Kings Highway South approximately 100 feet south of the intersection of Center Street and Old Kings Highway South and is shown on Assessor's Map #38 as Lots #14, 15, and 16, being 19 Old Kings Highway South and located in an OB (commercial) Zone.

**CALENDAR NO. 39-2011**

The application of Maslan Associates PC on behalf of Donna J. Collins filed on August 24, 2011 for variances of Sections 406 and 825 of the Darien Zoning Regulations, to allow the renovation, construction and reconstruction of additions and the modification of the previously installed generator location; Section 406: 33.6 in lieu of 40.0 feet minimum required front yard setback for the additions; 22.0 in lieu of 23.0 feet minimum ZBA approved north side yard setback for the generator; and Section 825: construction of additional living space at 10.1 in lieu of 13.0 feet minimum required floor elevation. The property is situated on the west side of Pear Tree Point Road approximately 700 feet south of the north intersection of Pear

Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #60 as Lot #52, being 45 Pear Tree Point Road and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 40-2011**

The application of Amy S. Zabetakis, Esq. on behalf of William Storrs Morehouse filed on August 24, 2011 for variances of Sections 334, 354, 406 and 906.3 of the Darien Zoning Regulations, to allow the construction of a two and one-half story residence with an attached 1 story garage, entry stairs, and rooftop cupola; Section 334: construction on a portion of the lot with 81.0 in lieu of 100.0 feet minimum required lot width; Section 354: 18.0 in lieu of 37.0 feet minimum required front yard setback for the entry stairs; Section 406: 20.0 in lieu of 40.0 feet minimum required front yard setback for the residence; and Section 906.3: off street parking developed within front and side yard setback spaces where none is permitted. The property is situated on the northeast side of Morehouse Drive approximately 600 feet north of the intersection of Prospect Avenue and Morehouse Drive and is shown on Assessor's Map #15 as Lot #11, being 21 Morehouse Drive and located in an R-1/2 (residential) Zone.

#### **CALENDAR NO. 41-2011**

The application of Beatrix Zimmerman filed on August 24, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a front porch staircase; Section 406: 25.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the north side of Edmond Street approximately 150 feet east of the intersection of Hoyt Street and Edmond Street and is shown on Assessor's Map #29 as Lots # 67 and 68, being 8 Edmond Street and located in an R-1/3 (residential) Zone.

#### **CALENDAR NO. 42-2011**

The application of Anton Tinaj filed on August 24, 2011 for variances of Section 339f of the Darien Zoning Regulations, to allow the previously constructed deck and the previously installed pool to remain; Section 339f: 33.0 in lieu of 80.0 feet minimum required front yard setback for the deck, and 63.0 in lieu of 80.0 feet minimum required front yard setback for the pool. The property is situated on the south side of Hecker Avenue approximately 150 feet east of the intersection of Wistar Court and Hecker Avenue and is shown on Assessor's Map #42 as Lot #135, being 114 Hecker Avenue and located in an R-1/3 (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 extension to May 1, 2012, received September 22, 2011, to obtain all required permits and begin on-site construction for ZBA Calendar No. 8-2011, Susan & Peter Markham, 4 Shipway Road. The Public Hearing of this matter was March 16, 2011. Initial ZBA approval would have expired on September 25, 2011.
3. Requested amendment to the approved plans of Calendar No. 29-2010, formerly Harper's Restaurant, proposed to be Anthony's Coal Fired Pizza, 319 Boston Post Road.
4. Requested six month extension, received September 27, 2011, to obtain all required permits and begin on-site construction for ZBA Calendar No. 38-2010, William Raveis Real Estate, 22 Old Kings Highway South. The Public Hearing of this matter was June 16, 2010. Initial ZBA approval expires on December 24, 2011.
5. Requested amendment to the approved plans of Calendar No. 48-2006 as clarified in Calendar No. 21-2009, Craig & Lynne Curtis, 10 Clocks Lane.
6. Election of Officers by regular ZBA members.
7. Approval of 2012 Meeting Schedule.
8. Approval of Minutes of meeting on July 27, 2011. ZBA members attending this meeting were Gary Greene, Chuck Deluca, Jeff Williams, John Ashburne, Al Tibbetts, and Rich Wood.
9. General discussion of Application Materials, applicant identity, 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. No additional business can be added to a Special Meeting agenda.