

**REGULAR MEETING**  
**AGENDA**

Wednesday, October 19, 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 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.

**CONTINUATIONS OF PUBLIC HEARINGS**

**CALENDAR NO. 42-2011**

Opened on September 21, 2011 and immediately continued to October 12, 2011 at the applicant's request due to the lack of a full 5 member panel on September 21<sup>st</sup>. Reopened on October 12, 2011 and immediately continued to tonight October 19, 2011 due to the absence of the applicant. Since no testimony, comment, or additional information was provided to

the ZBA on September 21<sup>st</sup> or October 12<sup>th</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). 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 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.

### **CALENDAR NO. 31-2011**

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 and immediately recontinued to September 21, 2011 at the applicant's request. The hearing was reopened on September 21, 2011 and immediately recontinued at the applicant's request to tonight October 19, 2011 due to the lack of a full 5 member panel. Since no testimony, comment, or additional information was provided to the ZBA previously, the seated ZBA panel for this request will be those members present when the hearing is conducted. 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 next scheduled regular ZBA meeting is October 26, 2011 when no other business has been planned.

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. 33-2011**

### **CALENDAR NO. 36-2011**

### **CALENDAR NO. 37-2011**

These 3 Public hearings were all opened on September 21, 2011 and immediately continued to tonight, October 19, 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. These hearings 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 26, 2011 when no other business has been planned. Or the applicants may provide up to a 65 day extension allowing the ZBA to continue these hearings to a later date (up to 100 total days).

### **CALENDAR NO. 33-2011**

The application of John & Tina Greifzu filed on August 24, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story additions; Section 406: 9.3 in lieu of 15.0 feet minimum required west side yard setback; 13.5 in lieu of 19.7 feet minimum required east side yard setback; and 22.8 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the north side of Elm Street approximately 100 feet west of the intersection of Elm Street and Fairfield Avenue and is shown on Assessor's Map #21 as Lot #66, being 20 Elm Street and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 36-2011**

The application of Peter & Jocelyn Graseck filed on August 24, 2011 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a covered front porch, side door cover, and one and two story additions with HVAC equipment; Section 406: 23.8 in lieu of 30.0 feet minimum required front yard setback; 6.0 in lieu of 10.0 feet minimum required west side yard setback; 16.0 in lieu of 20.3 feet minimum required east side yard setback; and 22.0 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the south side of Phillips Lane approximately 500 feet west of the intersection of Phillips Lane and Hoyt Street and is shown on Assessor's Map #25 as Lot #108, being 14 Phillips Lane and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 37-2011**

The application of Warrington Homes and Jeffrey McDougal on behalf of Nancy Dauk filed on August 24, 2011 for an interpretation under Section 813, and an interpretation under and a variance of Section 383 of the Darien Zoning Regulations, to allow the construction of one story, two story and second story additions to the main residence; Section 813: a determination that the proposed activities will have no potential adverse impacts on coastal resources; and Section 383: a determination that the property contains two legal dwellings on the same building lot; and enlargement of the main residence building on a nonconforming use property. The property is situated on the east side of Contentment Island Road approximately 1,275 feet south of the intersection of Contentment Island Road

and Shennemere Road and is shown on Assessor's Map #68 as Lot #14 being 39 Contentment Island Road and located in an R-1 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 43-2011**

The application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims filed on September 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: 20.35 in lieu of 25.0 feet minimum required rear yard setback, 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. 44-2011**

The application of Anthony Lafo and American Sign Inc. on behalf of F.A. Miller Realty dba Range Rover/Land Rover of Darien filed on September 21, 2011 for variances of Sections 675, 925 and 926 of the Darien Zoning Regulations, to allow the installation of a replacement ground/monument sign; Section 675: 24.2 in lieu of 30.0 feet minimum required front yard setback; and Sections 925 and 926: 8.5 in lieu of 4.0 maximum allowable height, and 51.7 in lieu of 20.0 maximum allowable square footage. The property is situated on the southeast side of Boston Post Road approximately 200 feet west of the intersection of West Norwalk Road and Boston Post Road and is shown on Assessor's Map #32 as Lot #3, being 90 Boston Post Road and located in the SB-E (commercial) Zone.

### **CALENDAR NO. 45-2011**

The application of Tim Percarpio filed on September 21, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story garage door cover addition and the reconstruction of the one story garage roof; Section 406: 9.2 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of Sunset Road approximately 1800 feet east of the intersection of Sunset Road and Mansfield

Avenue and is shown on Assessor's Map #15 as Lot #68, being 44 Sunset Road and located in an R-1/2 (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 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.
4. 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.
5. 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).