

REGULAR MEETING
AGENDA

Wednesday, June 22, 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.

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. 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. You may also make inquiries to ZBA office staff at 203-656-7351.

CONTINUATION OF PUBLIC HEARINGS

The following 2 hearings were opened on May 18, 2011 and, after considerable testimony, continued to June 15, 2011. They were reopened on June 15th and recontinued to tonight, June 22, 2011 due to the lack of a full 5 member panel on June 15th. The previously seated ZBA members for these requests are Gary

Greene, Vic Capellupo, Al Tibbetts, Chuck Deluca, and Jeff Williams. These hearings must be completed by tonight June 22nd (within 35 days after their June 15th opening). However if the ZBA determines to continue this hearing further, the applicants may provide an extension allowing the ZBA to continue these hearings up to 100 total days from their May 18th opening. The next scheduled regular ZBA meeting is July 20, 2011. Or the ZBA may provide an advisory of the deficient information available and Deny the applications Without Prejudice.

CALENDAR NO. 16-2011

The application of Lance E. Zimmerman, A.I.A. on behalf of Tero & Sarah Janne filed on April 20, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the enlargement of an existing living room and the construction of a one story addition; Section 406: 0.8 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of Prospect Avenue approximately 500 feet east of the intersection of Mansfield Avenue and Prospect Avenue and is shown on Assessor's Map #15 as Lot #4, being 12 Prospect Avenue and located in an R-1/2 (residential) Zone.

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 14.0 in lieu of 40.0 feet minimum required Oriole Lane front yard setback or 14.0 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.

CONTINUATION OF PUBLIC HEARINGS

The following 4 hearings were opened on June 15, 2011 and immediately continued to tonight, June 22, 2011 due to the lack of a full 5 member panel on June 15th. Since no testimony, comment, or additional information was provided to the ZBA on June 15th, the seated ZBA panel for this request is those members present tonight. These hearings must be completed by July 20, 2011 (within 35 days after their June 15th opening). The next scheduled regular ZBA meeting is July 20, 2011.

CALENDAR NO. 22-2011

The application of Gleason & Associates LLC on behalf of Leslie Sutton filed on May 18, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a two story addition; Section 406: 37.83 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Old Kings Highway South approximately 500 feet northeast of the intersection of Glen Gorham Lane and Old Kings Highway South and is shown on Assessor's Map #49 as Lot #45, being 227 Old Kings Highway South and located in an R-1 and R-1/2 (residential) Zone.

CALENDAR NO. 23-2011

The application of Teodoro Milone, P.E. on behalf of William Storrs Morehouse filed on May 18, 2011 for variances of Sections 334, 354, 371 and 406 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 77.0 in lieu of 100.0 feet minimum required lot width; Section 354: 5.0 in lieu of 37.0 feet minimum required front yard setback for the entry stairs; Section 371: a determination that the proposed cupola is an acceptable minimal feature which is not applicable to the height calculation; and Section 406: 10.0 in lieu of 40.0 feet minimum required front yard setback for the residence; 10.0 in lieu of 15.0 feet minimum required west side yard setback and 25.0 in lieu of 30.0 feet minimum required total of two side yards setback. 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. 24-2011

The application of Amy S. Zabetakis, Esq. on behalf of Joseph & Silvia Larizza filed on May 18, 2011 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a two story addition; Section 406: 49.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Fairview Avenue. The property is situated on the north side of Highland Avenue at the northwest corner formed by the intersection of Fairview Avenue and Highland Avenue and is shown on Assessor's Map #16 as Lot #25, being 12 Highland Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 25-2011

The application of on behalf of Penny Glassmeyer on behalf of Baywater Properties, 17 OKHS filed on May 18, 2011 for a variance of Sections 925.1 and 715 of the Darien Zoning Regulations, to allow the installation of a ground/monument sign; Sections 925.1 and 715: 5.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Old Kings Highway South at the east corner formed by the intersection of Center Street and Old Kings Highway South and is shown on Assessor's Map #38 as Lots #12 and 13, being 17 Old Kings Highway South and located in an OB (commercial) 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. Update on status of project completion for Calendar No. 20-2011, John J. Ryan Esq. on behalf of Jon Schoudel & Caroline Hoyt Schoudel, 12 Pratt Island.

3. Requested amendment to the approved plans of Calendar No. 40-2010, Anthia Nickerson, 19 Lakeside Avenue.
4. Requested amendment to the approved plans and Resolution of Calendar No. 25-2010, David & Kelly Wheeler, 8 Davis Lane.
5. Update on site circumstances at H&L Chevrolet property, 1416 Boston Post Road.
6. 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.
7. 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.
8. 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).