

REGULAR MEETING
AGENDA

Wednesday, February 24, 2010 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

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.

CONTINUATION OF PUBLIC HEARING

Opened on January 20, 2010 and immediately continued to tonight, February 24, 2010 at the applicant's request. Since no testimony, comment, or additional information was provided to the ZBA on January 20th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight February 24th (within 35 days after its January 20th opening). Therefore, if the ZBA determines to continue this hearing further, the applicant may provide up to a 65 day extension allowing the ZBA to continue the hearing at a later date. The next scheduled regular ZBA meeting is March 17, 2010. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 3-2010

The application of Faesy-Smith Architects on behalf of Tom and Shepard Halsch filed on December 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one half story; second story with a chimney; and one story additions and garage reconstruction; Section 406: 15.1 in lieu of 40.0 feet minimum required front yard setback for the one half story addition; 20.5 in lieu of 40.0 feet minimum required front yard setback for the

second story and chimney addition; 10.0 in lieu of 25.0 feet minimum required side yard setback and 24.7 in lieu of 40.0 feet minimum required rear yard setback for the one story addition and garage reconstruction. The property is situated on the north side of Juniper Road at the northeast corner formed by the intersection of Juniper Road and Nearwater Lane and is shown on Assessor's Map #57 as Lot #8, being 2 Juniper Road and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 1-2010

The application of Foster Kaali-Nagy filed on December 23, 2009 for variances of Sections 322, 406, and 403e if necessary of the Darien Zoning Regulations, to allow the installation of a fixed pier accessway/dock; Section 322: locating an accessory use on a separate lot rather than the same lot to which it is accessory; establishing an accessory structure and use without the prior establishment of a permitted principal use; and Section 406: 2.5 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the north side of Five Mile River Road Street approximately 150 feet east of the intersection of Berry Road and Five Mile River Road and is shown on Assessor's Map #66 as Lot #9, being a portion of 70 Five Mile River Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 7-2010

The application of Chad Nehring AIA on behalf of John & Allegra Erickson filed on January 27, 2010 for variances of Section 406 and 906.3 of the Darien Zoning Regulations, to allow the raising of the existing residence structure and the construction of second and attic story additions with parking; Section 406: 9.8 in lieu of 30.0 feet minimum required Baywater front yard setback, and 10.4 in lieu of 15.0 feet minimum required south side yard setback for the residence; construction of additional building volume on a lot with 22.5 in lieu of 20.0% maximum allowable building coverage; and the construction of entry staircases extending more than 3' into the Baywater Drive and Plymouth Road front setback spaces; and Section 906.3: enlargement of 2 in lieu of 0 required parking spaces within the front yard setback space. The property is situated at the southeast corner formed by the intersection of Baywater Drive and Plymouth Road and is shown on Assessor's Map #55 as Lot #73, being 17 Plymouth Road and located in the R-NBD (residential) Zone.

CALENDAR NO. 10-2010

The application of Eileen Crispell on behalf of Samuel & Anthia Nickerson filed on January 27, 2010 for variances of Section 406 and Section 351 if necessary of the Darien Zoning Regulations, to allow the construction one story covered porch, two story, and attic story additions and the installation of HVAC equipment; Section 406: 23.5 in lieu of 30.0 feet minimum required front yard setback for the covered porch; 8.0 in lieu of 10.9 feet minimum required north side yard setback and 14.1 in lieu of 20.8 feet minimum required south side yard setback for the two story additions; 10.1 in lieu of 10.9 feet minimum required north side yard setback and 20.4 in lieu of 20.8 feet minimum required south side yard setback for the attic story addition; and 4.2 in lieu of 10.9 feet minimum required north side yard setback for the HVAC equipment; and 22.1 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction; and Section 351: extending the covered porch 6.5 in lieu of 3.0 feet maximum into the front yard setback space. The property is situated on the west side of Lakeside Avenue approximately 250 feet south of the intersection of Sedgwick Avenue and Lakeside Avenue and is shown on Assessor's Map #17 as Lot #108, being 19 Lakeside Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 11-2010

The application of Mark S. Lebow, PLS and William W. Seymour & Assoc., PC on behalf of Nancy & Donald Hill and David & Kelly Wheeler filed on January 27, 2010 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the construction of a replacement two story dwelling and the installation of mechanical equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 22,292 in lieu of 43,560 square feet minimum required lot size; Section 334: construction on a building lot with 110.5 in lieu of 150.0 feet minimum required lot width; and Section 406: 32.5 in lieu of 40.0 feet minimum required north front yard setback, 41.0 in lieu of 65.0 feet minimum required north front yard setback as measured from the centerline of Davis Lane, 61.0 in lieu of 65.0 feet minimum required west front yard setback as measured from the centerline of Davis Lane, and 33.2 in lieu of 40.0 feet minimum required south side yard setback for the dwelling; and 34.6 in lieu of 40.0 feet minimum required south side yard setback for the equipment. The property is situated on the south side of Davis Lane approximately 570 feet west of the intersection of Five Mile River Road and Davis Lane and is shown on Assessor's Map #67 as Lot #29, being 8 Davis Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 12-2010

The application of Gleason & Associates LLC on behalf of Ledge Road Enterprises LLP, Darien Hospitality LLC, and Whole Foods Market filed on January 27, 2010 for variances of Sections 926.1, 923.1, and if necessary 928.2 and 923.2 of the Darien Zoning Regulations, to allow the installation of wall signs and a weathervane; Section 926.1: internally illuminated wall signs where none are permitted; Section 923.1: signs extending above the building eave lines; signs installed 26.1 feet and 16.0 feet in lieu of 15.0 feet maximum above the ground level; 23" letters and a 35.5" logo and 21" letters and a 33" logo in lieu of 10" maximum allowable letters and figure height; 124.5 in lieu of 82 square feet maximum allowable wall sign area; 53 in lieu of 44 square feet maximum allowable wall sign area; 3 in lieu of 2 maximum allowable wall signs; Section 928.2: wall signs facing and visible from the Connecticut Turnpike where none are permitted; and Sections 926.1, 923.1, and 923.2: weathervane (possible sign) installation on the rotunda cupola. The property is situated at the northwest corner formed by the intersection of Ledge Road and Boston Post Road and is shown on Assessor's Map #39 as Lots #23 and 24, being 150-152 Ledge Road and located in an SB (commercial) Zone.

CALENDAR NO. 8-2010

The application of Philip DeTerlizzi and D&D Homes on behalf of Stan & Wendy Forkner filed on January 27, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of an attic story addition; Section 406: 24.5 in lieu of 30.0 feet minimum front yard setback. The property is situated at the southeast corner formed by the intersection of Middlesex Road and Chester Road and is shown on Assessor's Map #24 as Lot #43, being 1 Chester Road 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, received January 28, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 28-2009, Nicholas & Luz Alieth Barker, 16 Chestnut Street. The Public Hearing of this matter was July 15, 2009. Initial ZBA approval would have expired on January 30, 2009.
3. Approval of Minutes of meeting on January 20, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, and Jeff Williams.
4. 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.
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).