

REGULAR MEETING
AGENDA

Wednesday, September 15, 2010 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. However several matters are complicated and may be difficult to properly consider. You can be helpful by making your presentation efficiently. And please understand that some hearing items may need to be opened and continued to a subsequent meeting.

PUBLIC HEARING

CALENDAR NO. 50-2010

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Eric and Barbara Simonson regarding the property of J. Willson Ropp and Adrienne Dreiss filed on June 23, 2010 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer to issue a Zoning Permit for the construction of a replacement residence. The property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

CALENDAR NO. 54-2010

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Richard Sanislo filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one and one-half story addition;

Section 406: 6.8 in lieu of 10.0 feet minimum required side yard setback and 10.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Hazel Street approximately 130 feet north of the intersection of Hazel Street and West Avenue and is shown on Assessor's Map #24 as Lot #20, being 29 Hazel Street and located in an R-1/3 (residential) Zone.

CONTINUATION OF PUBLIC HEARING

Opened on July 21, 2010 and continued (with written authorization of the applicant) to tonight, September 15, 2010. Since no testimony, comment, or additional information was provided to the ZBA on July 21st, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight unless the ZBA determines to continue this hearing further and the applicant agrees to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until no later than October 29, 2010. The next scheduled regular ZBA meetings are September 22, 2010 and October 20, 2010. Or the ZBA may provide an advisory of any deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 43-2010

The application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson filed on June 23, 2010 for a variance of Section 825d6 of the Darien Zoning Regulations, to allow the existing basement to remain with substantial improvements to the residence structure; Section 825d6: maintenance of existing basement space at 11.25 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south side of Renshaw Road approximately 300 feet west of the intersection of Renshaw Road and Boston Post Road and is shown on Assessor's Map #41 as Lots #87 and 88, being 23 Renshaw Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 45-2010

The application of Bruce Vetti filed on June 23, 2010 for variances of Sections 406, 226 and 906.3 of the Darien Zoning Regulations, to allow the construction of second story and two story additions with the installation of a Bilco style door, HVAC equipment; Section 406: 23.3 in lieu of 30.0 feet minimum required front yard setback, 47.7 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street, 3.1 in lieu of 10.6 feet minimum required west side yard setback, 14.4 in lieu of 21.9 feet minimum required east side yard setback, and 17.5 in lieu of 25.0 feet minimum required total of two side yards setback, for the additions; 7.1 in

lieu of 10.6 feet minimum required west side yard setback for the Bilco Door; and 19.0 in lieu of 21.9 feet minimum required east side yard setback for the HVAC equipment. The property is situated on the north side of Wakemore Street approximately 500 feet east of the intersection of Wakemore Street and Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 46-2010

The application of Howard A Patterson Jr. on behalf of Jeffrey L. & Maureen R. Marston filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a two story addition and deck; Section 406: 34.3 in lieu of 40.0 feet minimum required front yard setback, 54.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River, and 16.3 in lieu of 25.0 feet minimum required side yard setback for the addition; and 24.0 in lieu of 25.0 feet minimum required side yard setback for the deck. The property is situated on the west side of Goodwives River Road approximately 600 feet north of the intersection of Goodwives River Road and Sunswyck Road and is shown on Assessor's Map #49 as Lot #8, being 49 Goodwives River Road and located in an R-1 (residential) Zone.

CALENDAR NO. 47-2010

The application of Aquarion Water Co. of Conn. filed on August 18, 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 two and one half story residence with HVAC equipment and a detached two story garage. Section 385: a determination that the subject lot is a legal nonconforming building lot with 10,500 in lieu of 14,520 square feet minimum required lot size and 50.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 9.5 in lieu of 12.5 feet minimum required west side yard setback, and 22.0 in lieu of 25.0 feet minimum required total of two side yard setbacks for the residence; 9.5 in lieu of 12.5 feet minimum required west side yard setback for the garage; and 8.0 in lieu of 12.5 feet minimum required side yard setback for the HVAC equipment. 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 23 Chestnut Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 48-2010

The application of Aquarion Water Co. of Conn. filed on August 18, 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 two story residence with HVAC equipment and a detached two story garage. Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,377 in lieu of 14,520 square feet minimum required lot size and 60.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction 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 Chestnut 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 for the residence and garage; and 27.0 in lieu of 30.0 feet minimum required Chestnut front yard setback and 47.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Chestnut Street for the HVAC equipment. 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 27 Chestnut Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 49-2010

The application of Charles E. Coates III and Whitman Breed Abbott & Morgan LLC on behalf of Giovanni Gabriele filed on August 18, 2010 for variances of Sections 381-387, 406, and 904 if necessary of the Darien Zoning Regulations, to allow the construction of a one story deck with pergola above and parking under structure; Sections 381-387: changes in and expansion of a legally nonconforming use; Section 406: 6.9 in lieu of 10.9 feet minimum required side yard setback and 24.8 in lieu of 20.0% maximum allowable coverage; and Section 904 if necessary: expansion of gross floor area and a possible reduction in the total number of parking spaces on a property with deficient existing parking quantity. The property is situated opposite the intersection of Brookside Drive and Boston Post Road and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post 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 six month extension, received August 10, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 34-2009, Wai Ping Wong & Shuk-Han K. Wong, 31 Relihan Road. The Public Hearing of this matter was September 23, 2009. Initial ZBA approval would have expired on April 8, 2010. Following a March 26, 2010 request, on April 21, 2010 the ZBA granted a six extension to October 8, 2010.
3. Election of Officers (by regular members). Due to the unavailability of 1 member tonight, this item may be postponed to a subsequent meeting.
4. Approval of Minutes of meeting on June 16, 2010. ZBA members attending this meeting were Gary Greene, Chuck Deluca, Jeff Williams, John Ashburne, and Anthony Simari.
5. Approval of Minutes of meeting on June 23, 2010. ZBA members attending this meeting were Al Tibbetts, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Anthony Simari.
6. Approval of Minutes of meeting on July 21, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.
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).