

**REGULAR MEETING**  
**AGENDA**

Wednesday, September 23, 2009    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.**

**PUBLIC HEARINGS**

**CALENDAR NO. 40 -2009**

The application of Maslan Associates P.C. on behalf of Eanmee Park filed on August 19, 2009 for an appeal under Section 1122 of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; and if necessary a variance of Section 383 and an interpretation of Section 402 of the Darien Zoning Regulations to allow the existing two family residence and the detached garage apartment to remain with alterations and expansion; Section 383: alterations and expansion to the garage apartment exceeding 50% of the current fair market value of the structure; and Section 402: a determination that the two family residence and the garage apartment are legally non-conforming uses. The property is situated on the north side of West Avenue approximately 350 feet west of the intersection of West Avenue and Leroy Avenue and is shown on Assessor's Map #18 as Lot #9, being 72 West Avenue and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 38-2009**

The application of Thomas Simister on behalf of John Andrew Corcoran & Karen DeVito Corcoran filed on August 19, 2009 for variances of Section 406 of the Darien

Zoning Regulations, to allow the construction of two story and second story additions with HVAC equipment; Section 406: 8.0 in lieu of 10.0 feet minimum required side yard setback and 17.1 in lieu of 30.0 feet minimum required front yard setback for the two story addition; 7.0 in lieu of 10.0 feet minimum required side yard setback for the second story dormer addition; and 4.5 in lieu of 10.0 feet minimum required side yard setback for the HVAC equipment. The property is situated on the north side of Edmond Street at the northeast corner formed by the intersection of Edmond Street and Hoyt Street and is shown on Assessor's Map #29 as Lot #66, being 4 Edmond Street and located in an R-1/3 (residential) Zone.

### **CONTINUATION OF PUBLIC HEARING**

Opened on September 16, 2009 and immediately continued to tonight, September 23, 2009 due to a neighbor notification problem. Since no testimony, comment, or additional information was provided to the ZBA on September 16<sup>th</sup>, the seated ZBA for this request is those members present tonight.

### **CALENDAR NO. 34-2009**

The application Wai Ping Wong & Kitty Shuk Han filed on August 19, 2009 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story residence with a one story covered porch; Section 406: 44.5 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road. The property is situated on the west side of Relihan Road approximately 80 feet south of the intersection of LaForge Road and Relihan Road and is shown on Assessor's Map #44 as Lot #18, being 31 Relihan Road and located in an R-1/5 (residential) Zone.

### **PUBLIC HEARINGS**

#### **CALENDAR NO. 36-2009**

**POSTPONED TO AT LEAST OCTOBER 21st**

The application of Lance E. Zimmerman, AIA on behalf of M. David Magnotta filed on August 19, 2009 for variances of Sections 406 and 361 of the Darien Zoning Regulations, to allow the construction of a one story screened porch addition and the installation of a pool with equipment and a terrace; Section 406: 33.9 in lieu of 35.0 feet minimum required side yard setback and 29.0 in lieu of 50.0 feet minimum required rear yard setback for the screened porch; 7.3 in lieu of 35.0 feet minimum required side yard setback and 32.8 in lieu of 50.0 feet minimum required rear yard setback for the pool; 31.1 in lieu of 35.0 feet minimum required side yard setback for the equipment; and Section 361: 2.3 in lieu of 8.0 feet minimum required lot line setback for the terrace. The property is situated on the west side of Brookside Road

approximately 400 feet south of the intersection of Brookside Road and Three Wells Lane and is shown on Assessor's Map #5 as Lot #17-1, being 215 Brookside Road and located in an R-2 (residential) Zone.

### **CALENDAR NO. 37-2009**

The application of Planet Pizza and Frank Rocco on behalf of Gray Court LLC and William G. Schaeffer filed on August 19, 2009 for a variance of Section 904 of the Darien Zoning Regulations, to allow the establishment of a Pizza Restaurant in former retail space; Section 904: 0 in lieu of 17 minimum required parking spaces. The property is situated on the east side of Boston Post Road at the northeast corner formed by the intersection of Mechanic Street and Boston Post Road and is shown on Assessor's Map #71 as Lot #8, being 874 Boston Post Road and located in the CBD (commercial) Zone.

### **CALENDAR NO. 39-2009**

The application of Rucci, Burnham, Carta & Carello, LLP on behalf of J. Wilson Ropp & Adrienne Dreiss filed on August 19, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement two story residence with decks; Section 406: 31.0 in lieu of 50.0 feet minimum required rear yard setback relative to the north property line and 28.3 in lieu of 50.0 feet minimum required rear yard setback relative to the southwest property line. 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.

### **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 amendment to the resolution of Calendar No. 48 -2008, Samuel & Mary Ann Wiley, 39 Hazel Street.
3. Approval of Minutes of meeting on September 16, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Anthony Simari.
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).