

**REGULAR MEETING**  
**AGENDA**

Wednesday, October 21, 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.**

**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. Requested amendment to the resolution of Calendar No. 48 -2008, Samuel & Mary Ann Wiley, 39 Hazel Street.

**CONTINUATION OF PUBLIC HEARING**

Opened on September 23, 2009 and continued to tonight, October 21, 2009. The ZBA members present for the September 23<sup>rd</sup> session of this hearing were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Anthony Simari. This hearing must be completed by October 28, 2009 (within 35 days after its September 23<sup>rd</sup> opening). However, the next scheduled regular ZBA meeting to conduct hearings is November 18, 2009. Therefore, if the ZBA determines to continue this hearing further, a special

meeting must be scheduled by October 28<sup>th</sup> when at least 5 of the seated members can attend. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing until no later than January 1, 2010 (up to 100 total days). Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

**CALENDAR NO. 39-2009**

**POSTPONED TO NOVEMBER 18<sup>th</sup>**

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.

**PUBLIC HEARINGS**

**CALENDAR NO. 41-2009**

The application of John & Catherine Josef filed on September 23, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of one story covered porch and two story additions; Section 406: 5.0 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the south side of West Avenue approximately 400 feet west of the intersection of West Avenue and Stony Brook Road and is shown on Assessor's Map #39 as Lot #92, being 115 West Avenue and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 42-2009**

The application of Gleason & Associates LLC on behalf of Robert & Natalie MacDonald filed on September 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story kitchen, mudroom, and covered entrance porch additions; Section 406: 16.4 in lieu of 25.0 feet minimum required north rear yard setback for the kitchen; 14.2 in lieu of 25.0 feet minimum required north rear yard setback for the mudroom; and 14.2 and 13.2

in lieu of 25.0 feet minimum required north rear yard setback for the covered entrance porch additions. The property is situated on the west side of Lakeside Avenue at the northwest corner formed by the intersection of Lakeside Avenue and West Avenue and is shown on Assessor's Map #17 as Lot #102, being 3 Lakeside Avenue and located in an R-1/5 (residential) Zone.

#### **CALENDAR NO. 43-2009**

The application of Mark Lebow and William W. Seymour & Assoc. on behalf of Chester Road LLC filed on September 23, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and two and one-half story additions; Section 406: 10.3 in lieu of 12.8 feet minimum required north side yard setback. The property is situated on the east side of Chester Road at the intersection of Chester Road and Devon Road and is shown on Assessor's Map #24 as Lot #46, being 7 Chester Road and located in an R-1/3 (residential) Zone.

#### **CALENDAR NO. 44-2009**

The application of Daniel & Margaret Smith filed on September 23, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of one and one-half and two and one-half story additions with two additional attic dormers; Section 406: 39.45 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 100 feet north of the intersection of Long Neck Point Road and Pear Tree Point Road and is shown on Assessor's Map #59 as Lot #10, being 147 Long Neck Point Road and located in an R-1 (residential) Zone.

#### **OTHER BUSINESS**

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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 alternative to satisfy a stipulation in the resolution of Calendar No. 10 -2008, John & Lynn Sheppard, 10 Davis Lane.
3. Requested extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 14 -2009, Carol A. Farquhar, 34 Raymond Street. The Public Hearing of this matter was April 29, 2009. Initial ZBA approval expires on November 14, 2009.
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).