

**REGULAR MEETING**  
**AGENDA**

Wednesday, April 20, 2005    7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**APPROVAL OF MINUTES**

1. **Minutes of decisions from March 23, 2005** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Gary Greene, and Wayne Becker):
  - a. 15-2005, Mary & Phillip Hamilton, 19 Raymond Heights.
  - b. 16-2005, Daniel Dolcetti on behalf of Dolman Properties LLP, 22 Grove Street.

**CONTINUATION OF PUBLIC HEARINGS**

**CALENDAR NO. 6-2005**

Opened on February 16, 2005 and continued. The applicant has provided written authorization allowing the ZBA to continue this hearing tonight April 20, 2005. Seated ZBA members for this request are Dick Sanford, Vic Capellupo, Al Tibbetts, and Everett Drugge. Gary Greene has reviewed the application materials, the tape recording of the February 16<sup>th</sup> segment of the hearing, and the submitted documents in order to be fully informed of this request. If the ZBA determines to continue this hearing further the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until May 27, 2005. The regular May meeting is scheduled for May 18, 2005.

The application of William W. Seymour & Assoc. P.C. on behalf of Pamela A. Makszin filed on January 19, 2005 for an interpretation of Section 385 and variations of Sections 334, 406, and 906.3a of the Darien Zoning Regulations to allow the construction of a replacement two story dwelling with front steps and parking area; and to allow the existing shed to remain. Section 385: a determination that the subject lot is a legal nonconforming building lot with 7,891 in lieu of 43,560 square feet minimum required lot size; Section 334:

construction on a building lot with 75.4 in lieu of 150.0 feet minimum required lot width, and 108.0 in lieu of 150.0 feet minimum required lot depth; Section 406: 56.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Pear Tree Point Road, and 18.0 in lieu of 40.0 feet minimum required rear yard setback for the dwelling; 52.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Pear Tree Point Road for the front steps; 4.8 in lieu of 25.0 feet minimum required side yard setback, and 7.1 in lieu of 40.0 feet minimum required rear yard setback for the shed; and Section 906.3a: the development of required off-street parking 2.0 in lieu of 25.0 feet minimum required side yard setback. The property is situated on the west side of Pear Tree Point Road approximately 500 feet south of the north intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Tax Assessor's Map #60 as Lot #55, being 35 Pear Tree Point Road and located in an R-1 (residential) Zone.

### CALENDAR NO. 3-2005

Opened on February 3, 2005 and continued. The applicant provided written authorization allowing the ZBA to continue this hearing March 23, 2005. On March 23<sup>rd</sup> the ZBA continued the hearing and then determined to continue it further. The applicant provided verbal authorization, and subsequent written authorization, allowing the ZBA to continue this hearing tonight April 20, 2005. Seated ZBA members for this request are Dick Sanford, Vic Capellupo, Al Tibbetts, and Gary Greene. Everett Drugge was present for the February 3<sup>rd</sup> segment of the hearing and has reviewed the application materials, the tape recording of the March 23<sup>rd</sup> segment of the hearing, and the submitted documents in order to be fully informed of this request. If the ZBA determines to continue this hearing further the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until May 14, 2005. However, the regular May meeting is scheduled for May 18, 2005. Therefore, **if the ZBA determines to continue this hearing further, a Special Meeting would have to be arranged by May 14<sup>th</sup>.**

The application of Gleason, Hill & Ambrette, LLC on behalf of Dolman Properties LLP and First County Bank filed on December 22, 2004 for variations of Sections 226, 655, 904 and 923 of the Darien Zoning Regulations to allow the construction of a one-story bank with parking and wall signs. Section 226: 18.0 in lieu of 20.0 feet minimum required parking space dept; Section 655: 12.0 in lieu of 25.0 minimum side yard setbacks for parking access; Section 904: 21 in lieu 30 minimum required parking spaces; and Section 923: 2 in lieu of 1 maximum wall sign; and 44.5 in lieu of 10 inches maximum figure height for the bank logo on the wall sign. The property is situated on the east side of Boston Post Road at the

intersection of Grove Street and Boston Post Road and is shown on Tax Assessor's Map #72 as Lot #10, being 1006, 1010, and 1012 Boston Post Road and located in the CBD (commercial) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 17-2005**

**This Public Hearing must be opened by April 22, 2005** (within 65 days after its February 16, 2005 Receipt Date). The application was submitted in February. However, the plans were incomplete until recently. The ZBA may open this hearing tonight (April 20, 2005) and continue it for 35 days if necessary.

The application of Robert F. Maslan, Jr. on behalf of Joseph & Melanie Kelly and 182 West Avenue, LLC filed on February 16, 2005 for variations of Sections 332, 339, 339f, 406, 665, 854 if necessary, 944, and 906.6 of the Darien Zoning Regulations to allow the creation of a residential building lot and the construction of a two story commercial building with HVAC equipment. Sections 332 and 406: 0.0 in lieu of 50.0 feet minimum required street frontage; Section 339: the creation of a rear lot in the R-1/3 Zone; Section 339f: 30.0 in lieu of 80.0 feet minimum required setback of the proposed rear lot residence from the nearest point of the front lot; Section 665: 26.0 in lieu of 30.0 feet minimum required front yard setback for the HVAC equipment; Section 854: grading within 15 feet of a property boundary; and Section 944 and 906.6: 0.0 in lieu of 25.0 feet minimum required landscape buffer or to allow the landscape buffer to be located partially in the residentially zoned portion of the property, and partially on the proposed residential lot. The property is situated on the northwest side of West Avenue approximately 225 feet east of the intersection of West Avenue and Herman Avenue and is shown on Tax Assessor's Map #20 as Lot #10, being 182 West Avenue and located in an R-1/3 (residential) and an SB (commercial) Zone.

### **CALENDAR NO. 22-2005**

The application of Ruben Kearney filed on March 23, 2005 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a one story addition. Section 406: 24.5 in lieu of 20.0% maximum allowable building coverage. The property is situated on the north side of Maple Street approximately 150 feet west of the intersection of Relihan Road and Maple Street

and is shown on Tax Assessor's Map #44 as Lot #48, being 29 Maple Street and located in an R-1/5 (residential) Zone.

#### **CALENDAR NO. 24-2005**

The application of Kevin M. & Karen M. Gilronan filed on March 23, 2005 for variations of Sections 331 and 402 of the Darien Zoning Regulations to allow the existing residence to remain until the proposed replacement residence is completed. Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The property is situated on the southeast side of Richmond Drive approximately 800 feet northeast of the intersection of Richmond Drive and Boston Post Road and is shown on Tax Assessor's Map #12 as Lot #25, being 31 Richmond Drive and located in an R-1/2 (residential) Zone.

#### **CALENDAR NO. 25-2005**

The application of Douglas C. Curtis, Jr. filed on March 23, 2005 for variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of two story and second story additions with HVAC equipment. Section 334: construction on a building lot with 73.0 in lieu of 150.0 feet minimum required lot width, and 73.0 in lieu of 150.0 feet minimum required lot depth; Section 406: 34.0 in lieu of 40.0 feet minimum required front yard setback, 37.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Clocks Lane, 5.2 in lieu of 25.0 feet minimum required north side yard setback, 5.1 in lieu of 40.0 feet minimum required rear yard setback, and 23.5 in lieu of 25.0 feet minimum required south side yard setback for the additions; 5.1 in lieu of 40.0 feet minimum required rear yard setback for the HVAC equipment; and construction of additional building volume on a lot with 23.90 in lieu of 20.0% maximum allowable building coverage. The property is situated on the east side of Clocks Lane at the northeast corner formed by the intersection of Clocks Lane and Wild Rose Lane and is shown on Tax Assessor's Map #64 as Lot #62, being 10 Clocks Lane and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 26-2005**

The application of Richard & Laura Maier filed on March 23, 2005 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a one and three quarter story addition. Section 406: 32.8 in lieu of 40.0 feet

minimum required front yard setback. The property is situated on the northeast side of Colony Road Extension approximately 900 feet southwest of the intersection of Colony Road and Middlesex Road and is shown on Tax Assessor's Map #23 as Lot #141, being 119 Colony Road and located in an R-1/2 (residential) Zone.

## GENERAL MEETING

**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 legal 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.
2. Requested six month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 78-2004, Susan & Peter Graham, 5 Chester Road. The Public Hearing of this matter was October 20, 2004. Initial ZBA approval expires on May 4, 2005.
3. Discussion of Application Fees.
4. General discussion of Application Materials.
5. Any other business (requires 2/3 vote of members present and voting).