

**REGULAR MEETING**  
**AGENDA**

Wednesday, February 24, 2016 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

**CONTINUATION OF PUBLIC HEARINGS**

**CALENDAR NO. 02-2016**

Opened on January 27, 2016 and continued to tonight, February 24, 2016. **The previously seated ZBA members for this request include Vic Capellupo, Jeff Williams, and Rich Wood.** This hearing must be concluded by March 2<sup>nd</sup> (within 35 days after its January 27<sup>th</sup> opening). Therefore 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 the next scheduled meeting on March 23, 2016.

The application of Tracy Becker and National Sign Corporation on behalf of Cook Family Ltd Ptnr dba Bertucci's Kitchen ♦ Bar submitted on December 18, 2015 for an amendment of Calendar No. 30-2008 and variances of Sections 923 and 926 of the Darien Zoning Regulations; to allow modifications to the existing wall and awning signs; Section 923: 16.0 inch in lieu of 10.0 inch maximum height allowable for letters and Section 926: internal wall sign illumination where none is permitted. The property is situated on the southeast side of the Boston Post Road opposite the intersection with West Norwalk Road and is shown on Assessor's Map #32 as Lots #1 & #2, being 54 Boston Post Road and located in an SB-E (commercial) Zone.

### **CALENDAR NO. 53-2015**

Opened on December 16, 2015 and immediately continued to January 20, 2016 at the applicant's request due to the lack of a full 5 member panel, reopened on January 20, 2016 and recontinued to January 27, 2016 at the applicant's request, reopened on January 27, 2016 and recontinued to tonight February 24, 2016 at the applicant's request. Since no testimony, comment, or additional information was provided to the ZBA on December 16<sup>th</sup>, January 20<sup>th</sup>, or January 27<sup>th</sup> the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight or the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than March 25, 2016 (up to 100 total days). The next scheduled ZBA meeting is March 23, 2016.

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 2.5 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 22.5 feet minimum required east side yard setback; and 18.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with 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.

### **PUBLIC HEARINGS**

#### **CALENDAR NO. 06-2016**

The application of Timothy & Lauren Stisser submitted on December 23, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front

porch and second story additions; Section 406: 27.4 in lieu of 40.0 feet minimum required front yard setback and 55.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road for the covered porch; 28.4 in lieu of 40.0 feet minimum required front yard setback and 56.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road, and 26.3 in lieu of 40.0 feet minimum required south rear yard setback for the second story. The property is situated at the southeast corner of the intersection formed by Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #126, being 334 Hollow Tree Ridge Road and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 08-2016**

The application of Courtney Platt submitted on January 19, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of wood replacement front entry stairs; Section 406: 34.5 in lieu of 40.0 minimum required front yard setback, and 51.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Contentment Island Road. The property is situated on the east side of Contentment Island Road approximately 200 feet from the end of the road and is shown on Assessor's Map #68 as Lot #16, being 43 Contentment Island Road and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 09-2016**

The application of Jacek Bigosinski and PB Architects on behalf of Andrzej Patrosz submitted on January 25, 2016 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 57.0 in lieu of 80.0 feet minimum required lot width and 9,120 in lieu of 14,520 square feet minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 57.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Holmes Avenue opposite the intersection with Intervale Road and is shown on Assessor's Map #25 as Lot #36, being 146 Holmes Avenue and located in an R-1/3 (residential) Zone.

#### **CALENDAR NO. 11-2016**

The application of Bryan Vasser, Archer Signs and Trader Joe's on behalf of Equity One, LLC submitted on January 27, 2016 for amendments to the settlement agreement of ZBA Calendar Nos. 25-1994 and 41-1994, and variances of Section 924 of the Darien Zoning Regulations; to allow replacement, internally lit, and different size wall signs; Section 924: internal illumination where that is not permitted; and 16" in lieu of 10" maximum letter height for the rear Old Kings Highway North wall sign. The subject property is located on the southeast corner of the intersection of Boston Post Road and Old King's Highway North and is shown on Assessor's Map #35 as Lot #1, being 430 Boston Post Road and located in an DB-2 (Designed Business Two – commercial) Zone.

## **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **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 six month extension, received January 29, 2016, to obtain all required permits and begin on-site construction for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue. The Public Hearing of this matter was March 11, 2015. Initial ZBA approval of a substantial addition proposal was conditioned on structure preservation commitments which could not be fulfilled. Subsequently a replacement house design was submitted and on September 9, 2015 the ZBA accepted those plans for the project. A routine 6 months to implement that plan expires on March 9, 2016.
2. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
3. 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).

## **ADJOURNMENT**