

REGULAR MEETING
AGENDA

Wednesday, September 21, 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 HEARING

All of the following hearings were opened on September 14, 2016 and immediately continued to tonight, September 21, 2016 due to the lack of a full 5 member panel on September 14th. Since no testimony, comment, or additional information was provided to

the ZBA on September 14th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by October 19, 2016 (within 35 days after their September 14th opening). The next scheduled regular ZBA meeting is October 19, 2016. Or the applicants may provide up to a 65 day extension allowing the ZBA to continue these hearings up to 100 total days.

CALENDAR NO. 27-2016

The application of Robert Carroll submitted on August 17, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a detached garage; Section 406f: 2 in lieu of 1 maximum allowable story and 20.0 in lieu of 15.0 feet maximum allowable height for an accessory structure; and/or Section 406: 5.1 in lieu of 10.0 feet minimum required side yard setback and 5.1 in lieu of 25.0 feet minimum required rear yard setback for a 2 story principal structure. The property is located on the west side of Noroton Avenue approximately 100 feet north of the intersection with Park Place and is shown on Assessor's Map #43 as Lot #34, being 65 Noroton Avenue and located in the R-1/3 (residential) Zone.

DELIBERATION AND DECISION

Discussion, deliberation and possible decision for the Public Hearing request item listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. A decision is 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 request may be postponed or continued to a later meeting date.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 24-2016

The application of Stephen Jones and Jones Green Design, LLC on behalf of David Pereira submitted on June 15, 2016 for an interpretation under Section 385 and variances of Sections 334, 406, and 906.3; to allow the construction of a cantilevered two story dwelling with decks and parking; Section 385: a determination that the subject lot is a legal nonconforming building lot with "mainland" area of 6,778 in lieu of 8,712 square feet minimum required lot size and 65.0 in lieu of 100.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the lot with 65.0 in lieu of 75 feet minimum lot depth; Section 406: 14.4 in lieu of 25.0 feet minimum required front yard setback; 28.9 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street; 5.0 in lieu of 25.0 feet minimum required rear yard setback; and 40.2 in lieu of 30.0 feet maximum allowable building height; and Section 906.3: establishment of a portion of the required parking spaces within the front yard space. The property is situated on the east

side of Raymond Street approximately 400 feet north of the intersection with Tokeneke Road and is shown on Assessor's Map #36 as Lot #99, being 20 Raymond Street and located in the R-1/5 (residential) Zone.

CALENDAR NO. 26-2016

The application of Ann Day and Ann Day Architects LLC on behalf of Andrew & Lindsay Atha submitted on August 17, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story front entry portico; Section 406: 24.8 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the southwest corner of the intersection formed by Chester Road and Middlesex Road and is shown on Assessor's Map #24 as Lot #62, being 2 Chester Road and located in the R-1/3 (residential) Zone.

CALENDAR NO. 28-2016

The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of McLaren Family LLC submitted on August 17, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story front entry portico; Section 406: 18.0 in lieu of 30.0 feet minimum required front yard setback and 43.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Prospect Avenue. The property is located on the south side of Prospect Avenue opposite Morehouse Drive and is located on Assessor's Map #16 as Lot #73, being 21 Prospect Avenue and located in the R-1/3 (residential) Zone.

CALENDAR NO. 25-2016

The application of John Ricci submitted on August 15, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: establishing a finished basement area 81.9 in lieu of 50.0 maximum allowable percentage of the first floor area, effectively creating 3 in lieu of 2 ½ maximum allowable stories. The property is situated on the north side of Tokeneke Road approximately 180 feet east of the intersection with Silver Lakes Drive and is shown on Assessor's Map #37 as Lot #16, being 154 Tokeneke Road and located in the R-1/2 (residential) Zone.

DELIBERATIONS AND DECISIONS

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.

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

1. Requested amendment to the approved plans of Calendar No. 43-2014, Julie and John Hekker, 85 Goodwives River Road. The Public Hearing of this matter was October 15, 2014.
2. Requested six month extension, received August 9, 2016, to obtain all required permits and begin on-site construction for ZBA Calendar No. 16-2016, Tara & Brendan Sobolewski, 25 Fitch Avenue. The Public Hearing of this matter was May 18, 2016. Initial ZBA approval expires on November 27, 2016.
3. Requested seven month extension, received September 6, 2016 to obtain all required permits and begin on-site construction for ZBA Calendar No. 12-2016, Laura Woznitski, 38 Delafield Island Road. The Public Hearing of this matter was March 23, 2016. Initial ZBA approval expires on October 1, 2016.
4. Approval of Minutes of meeting on June 22, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Kevin Fullington.
5. Approval of Minutes of meeting on July 13, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Rich Wood.
6. Review of possible Resolution regarding timetable of ARB and ZBA applications review.
7. Review of proposed application form Item K clarifications.
8. Review of a possible moratorium on acceptance of sign applications.
9. Review of the Hescock case and its determinations.
10. Possible appointment of a committee to consider possible Bylaws and Policies.
11. Review of recent decisions and consideration of an evaluation.

12. Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.
13. 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.
14. 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