

REGULAR MEETING
AGENDA

Wednesday, October 19, 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.

PUBLIC HEARING

CALENDAR NO. 31-2016 The application of Edward Gentile, Director of Public Works, David Wenchell and Silver Petrucelli + Associates on behalf of Town of Darien submitted on September 20, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to

allow the construction of one story and fuel pump canopy additions; and the installation of gates and fencing; Section 406: 20.5 in lieu of 30.0 feet minimum required front yard setback for the addition, and -5.5 in lieu of 30.0 feet minimum required front yard setback for the canopy; and Section 362: 6 in lieu of 4 feet maximum allowable fencing height in the front yard setback space. The property is situated on the north side of Ledge Road approximately 1,400 feet west of the intersection with Boston Post Road and is shown on Assessor's Map #39 as Lot #s 21 and 20, being 126 Ledge Road and located in the R-1/3 (residential) and SB (commercial) Zones.

CONTINUATION OF PUBLIC HEARINGS

Opened on September 21, 2016 and continued to tonight, October 19, 2016. The previously seated ZBA members for these requests are Mike Nedder, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, and Kevin Fullington. Gary Greene has reviewed the application materials, the tape recording of the September 21st segments of these hearings, and the submitted documents in order to be fully informed of these requests and be prepared to sit on these applications. These hearings must be concluded by October 26th (within 35 days after its September 21st opening). The next scheduled regular ZBA meeting is October 26, 2016. Or the applicants would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue these hearings further.

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 attic area 66.2 in lieu of 50.0 maximum allowable percentage of the second 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.

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.

PUBLIC HEARING

CALENDAR NO. 33-2016 The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Carter Anne Lombard Sullivan submitted on September 21, 2016 for variances of Section 820 of the Darien Zoning Regulations; to allow the construction of additions and an existing basement to remain; Section 820: 11.7 and 11.9 in lieu of 14.0 feet minimum floor elevation for the additions, 4.8 in lieu of 14.0 feet minimum floor elevation for the existing basement with a new outside accessway, and substantial improvements that may exceed 50% of the market value of the structure without making the entire structure conform with all the flood regulations. The property is situated on the west side of Five Mile River Road approximately 300 feet south of the intersection with Davis Lane and is shown on Assessor's Map #67 as Lot #21, being 118 Five Mile River Road and located in R-1/2 and R-1 (residential) Zones.

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. 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.

2. 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.
3. Review of possible Resolution regarding timetable of ARB and ZBA applications review.
4. Review of proposed application form Item K clarifications.
5. Review of the Hescock case and its determinations.
6. Possible appointment of a committee to consider possible Bylaws and Policies.
7. Review of recent decisions and consideration of an evaluation.
8. Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.
9. 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.
10. 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