

**REGULAR MEETING  
AGENDA**

Wednesday, November 16, 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**

The following hearing was opened with testimony on September 21, 2016 and then continued. It was reopened on October 19, 2016 and immediately recontinued without testimony to tonight, November 16, 2016. **The previously seated ZBA members for this**

request are Mike Nedder, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, and Kevin Fullington. Gary Greene and Chuck Deluca have reviewed the application materials, and the submitted documents in order to be fully informed of these requests and be prepared to sit on these applications. With the current applicant extension this hearing must be concluded by tonight. However with further extension this hearing would have to be concluded by December 30<sup>th</sup> (within 100 total days after its September 21<sup>st</sup> opening). The next scheduled ZBA meeting is December 14, 2016.

### **Continuation of 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 of the Darien Zoning Regulations; 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.

### **CONTINUATION OF PUBLIC HEARINGS**

The following three application hearings were opened on October 26, 2016 and, due to the lack of a full five member panel, immediately continued to tonight, November 16, 2016. Since no testimony, comment, or additional information was provided to the ZBA on October 26<sup>th</sup>, the seated ZBA panel for this request is those members present tonight.

### **Continuation of CALENDAR NO. 29-2016**

The application of Corey Grossman and Four Seasons Construction on behalf of Hout Ly submitted on September 19, 2016 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement garage with a second story; Section 406: 12.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the east side of Richmond Drive approximately 200 feet southeast of the intersection with Point O Wood Road and is shown on Assessor’s Map #12 as Lot #23, being 27 Richmond Drive and located in an R-1/2 (residential) Zone.

**Continuation of CALENDAR NO. 30-2016**                      **TO BE RECONTINUED TO 12/14/2016**

The application of Anton Tinaj submitted on September 20, 2016 for a variance of Sections 339f and 406 of the Darien Zoning Regulations, to allow the construction of second and attic story and two and one-half story additions with decks; Sections 339f and 406: 11.0 in lieu of 80.0 feet minimum required front yard setback. The property is situated on the south side of Hecker Avenue approximately 150 feet east of the intersection of Wistar Court and is shown on Assessor's Map #42 as Lot #135, being 114 Hecker Avenue and located in an R-1/3 (residential) Zone.

**Continuation of CALENDAR NO. 32-2016**

The application of Terry Lennon and T Lennon Architects on behalf of Scott & Eileen Bryer submitted on September 21, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 12.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the north side of Briar Brae Road approximately 1,000 feet northeast of the intersection with Hoyt Street and is shown on Assessor's Map #29 as Lot #21, being 27 Briar Brae Road and located in the R-1/2 (residential) Zone.

**PUBLIC HARINGS**

**CALENDAR NO. 34-2016**

The application of Brian & Leanne Cordes submitted on October 19, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a detached one story garage; Section 406: 23.5 in lieu of 20.0 percent maximum allowable building coverage. The property is situated on the south side of Phillips Lane approximately 350 feet west of the intersection with Hoyt Street and is shown on Assessor's Map #25 as Lot #106, being 10 Phillips Lane and located in an R-1/3 (residential) Zone.

**CALENDAR NO. 35-2016**

The application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of James & Joy Cummiskey submitted on October 19, 2016 for variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the construction of a one story addition and the alteration of exterior windows and doors; Section 406: 28.5 in lieu of 40.0 minimum required Sunswyck Road front yard setback; 20.1 in lieu of 40.0 feet minimum required Goodwives River Road front yard setback, and 37.4 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road; and Section 334: construction on a portion of the lot with 76.0 in lieu of 150 feet minimum lot depth. The property is situated on the east side of Goodwives River Road at the intersection with Sunswyck Road and is shown on Assessor's Map #62 as Lot #36, being 90 Goodwives River Road and located in the R-1 (residential) Zone.

### **CALENDAR NO. 36-2016**

The application of Donald L. Kiggins, Jr. submitted on October 19, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of a basement access doorway; Section 406: 22.8 in lieu of 40.0 feet minimum required front yard setback and 40.0 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Five Mile River Road. The property is situated on the west side of Five Mile River Road approximately 900 feet south of the intersection with Berry Lane and is shown on Assessor's Map #66 as Lot #45, being 80 Five Mile River Road and located in the R-1/2 (residential) 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. Approval of Minutes of meeting on September 14, 2016. ZBA members attending this meeting were Vic Capellupo and Ruth Anne Ramsey.
2. Approval of Minutes of meeting on September 21, 2016. ZBA members attending this meeting were Vic Capellupo, Mike Nedder, Jeff Williams, Ruth Anne Ramsey, Kevin Fullington, and Rich Wood.
3. Approval of Minutes of meeting on October 19, 2016. ZBA members attending this meeting were Gary Greene, Vic Capellupo, Jeff Williams, Ruth Anne Ramsey, and Mike Nedder.
4. Approval of Minutes of meeting on October 26, 2016. ZBA members attending this meeting were Chuck Deluca and Mike Nedder.

5. Consideration of recent member reappointment interview and staff concerns.
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 Town Counsel 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**