

REGULAR MEETING
AGENDA

Wednesday, January 18, 2023 7:30 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 others' 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.

POSTPONEMENTS AND CONTINUATIONS

Changes to the meeting agenda may occur after posting and would be announced at the beginning of the meeting.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 10-2022 Opened on October 19, 2022 as a virtual Go To Meeting. After some testimony, the hearing was Continued to November 16, 2022. At the applicant's request, on November 16 the hearing was Recontinued to December 14, 2022. However insufficient ZBA members were available on December 14 and the applicant granted an extension to Recontinue the hearing at this January 18, 2023 meeting. The previously seated ZBA members for this request are Jeff Williams, Barb Hazelton, Matt Lauria, Dan Nalawade, Gary Greene and Jana Romine. Kevin Fullington and/or John McGrath may have also reviewed the application materials, a TV 79 vimeo recording of the October 19th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than January 27, 2023 (up to 100 total days from its October 19 opening). The next scheduled regular ZBA meeting is January 26, 2023. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Jeffrey Mirman on behalf of Cindy Hardy submitted on August 11, 2022 for an appeal of the Building Permit, B-21-207 (should be B-22-207), issued on June 8, 2022 to Jeffrey Brown. The subject property is accessed by a common driveway situated on the west side of Peach Hill Road approximately 700 feet west of Mansfield Avenue and is shown on Assessor's Map #6 as Lot #129, being 26 Peach Hill Road and located in an R-1 (residential) Zone.

CALENDAR NO. 14-2022 Opened on November 16, 2022. After some testimony, the hearing was Continued to December 14, 2022. The ZBA was unable to meet on December 14 with sufficient members. The applicant provided an extension allowing the hearing to be Continued at this January 18, 2023 meeting. The previously seated ZBA members for this request are Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, and Jana Romine. Gary Green, Barb Hazelton and/or John McGrath may have also reviewed the application materials, a TV 79 vimeo recording of the November 16th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than February 24, 2023 (up to 100 total days from its November 16 opening). The next scheduled regular ZBA meetings are January 26, 2023 and February 15, 2023. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Beatriz M. DeSantiz and BM Design LLC on behalf of Elvis Robles – Crypto Life LLC submitted on August 24, 2022 and amended on October 5, 2022 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; a variance of Section 383 and an interpretation of Section 402 of the Darien Zoning Regulations to allow the existing two family residence to remain with alterations and expansion; Section 383: alterations and expansion to the residence exceeding 50% of the current fair market value of the structure; and Section 402: a determination that the two family residence is a legally non-conforming use; and variances of Sections 402 and 382 of the Darien Zoning Regulations, to allow the construction of one story, second story and attic story additions; Section 402a: two in lieu of one single family dwelling on its own lot; and Section 382: enlargement of a non-conforming, two residence use of the property. The property is situated on the west side of Herman Avenue at the intersection of Edgewood Road and is shown on Assessor’s Map #20 as Lot #111, being 35 Herman Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARING

CALENDAR NO. 23-2022 The application of Nicholas Vitti and Murtha Cullina LLP on behalf of St John’s Roman Catholic Church submitted on December 21, 2022 for variances of Sections 406, 906.6 and 944 of the Darien Zoning Regulations, to allow the construction of a mausoleum building; Section 406: 37.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the flat roof segments and 42.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the pitched roof segments; Section 906.6: parking, access drives, and turning areas within the front yard setback space; and Section 944: landscape buffer within the front yard setback space. The property is situated on the south side of Camp Avenue approximately 150 feet west of the intersection of Hoyt Street and is shown on Assessor’s Map #31 as Lot #38, being 25 Camp Avenue and located in an R-1/3 (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

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 release of a performance bond, authorization for issuance of a Certificate of Occupancy and acceptance of amended plans for the Giovannis at Water's Edge canopy and site improvements construction approved in Calendar No. 32-2014 and by Stipulated Agreement.
2. Requested one year extension, received November 10, 2022, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5-2022, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of William Hausberg and Abigail Hausberg, 6 Pratt Island. The Public Hearing of this matter was May 18, 2022. Initial ZBA approval would have expired on November 26, 2022.
3. Requested three month extension, received January 11, 2023, to obtain all required permits and begin on-site construction for ZBA Calendar No. 9-2015, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Charles & Kristin Collier, 65 Pear Tree Point Road. The Public Hearing of this matter was July 20, 2022. Initial ZBA approval expires on January 28, 2023.
4. Requested one year extension, received January 11, 2023, to obtain all required permits and begin on-site construction for ZBA Calendar No. 8-2015, Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Damian Ridealgh & Erin Moennich, 25 Tokeneke Trail. The Public Hearing of this matter was July 20, 2022. Initial ZBA approval expires on January 28, 2023.
5. State Required Board/Commission members training and Zoom attendance at Saturday March 11 Connecticut Bar Association Land Use Law webinar. This well done program is easier to attend since it is no longer done live at Wesleyan University in Middletown.

6. Approval of Minutes of meeting on September 21, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, Jana Romine, and Barb Hazelton.
7. Approval of Minutes of meeting on September 28, 2022. ZBA members attending this meeting were Jeff Williams, Matt Lauria, Dan Nalawade, Gary Greene and Barb Hazelton.
8. Approval of Minutes of meeting on October 19, 2022. ZBA members attending this meeting were Jeff Williams, Gary Greene, Jana Romine, Matt Lauria, Dan Nalawade, and Barb Hazelton.
9. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Barb Hazelton, Gary Greene, Jana Romine, and Matt Lauria.
10. Review of Draft Policy regarding Outside Contacts with Members.
11. Possible scheduling of meeting with Town Counsel Wayne Fox to consider the justification value of reducing property nonconformities, recent case law and ZBA evaluation criteria.
12. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
13. Consideration of recommendations to the Planning & Zoning Commission for possible regulation changes, such as covered porch allowances or minimum lot width limitations.
14. 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.
15. 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