

## REGULAR MEETING AGENDA

Wednesday, September 27, 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.

## **PUBLIC HEARINGS**

**CALENDAR NO. 10-2023** The application of Nick DeMaio and Nick DeMaio Design Group on behalf of Shauna Sullivan Reilly submitted on May 15, 2023 for variances of Section 406 of the Darien Zoning Regulations, to allow the partial demolition, alteration and lifting of the existing house and the construction of covered porch, one story and second story additions; Section 406: 21.4 in lieu of 25.0 feet minimum required Cherry Street front yard setback; 9.1 in lieu of 25.0 feet minimum required Ash Street front yard setback and 34.1 in lieu of 50.0 feet minimum required Ash Street front setback as measured from the centerline of Ash Street; 6.7 in lieu of 8.0 feet minimum required east side yard setback; and construction of additional structure volume on a lot with 25.6 in lieu of 20.0% maximum building coverage. The property is situated on the north side of Cherry Street at the intersection of Ash Street and is shown on Assessor's Map #41 as Lot #46, being 24 Cherry Street and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 14-2023** The application of Jeremy A. Hill and Happy Haus Design, LLC on behalf of Joseph & Chelsea Valickus submitted on August 21, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 41.7 in lieu of 50.0 feet minimum required front setback as measured from the centerline of Rose Lane. The property is situated on the west side of Holmes Avenue at the intersection of Rose Lane and is shown on Assessor's Map #25 as Lot #33, being 140 Holmes Avenue and located in an R-1/5 (residential) Zone.

**CALENDAR NO. 15-2023** The application of Nelson DaSilva, Jr. and Building Brothers, LLC submitted on August 22, 2023 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction of a one story house segment, and the construction of a deck, a gazebo, and second and attic story additions; Section 334: construction of additional residence structure volume on a lot with 140 in lieu of 200' minimum required lot width; and Section 406: 44.9 in lieu of 50.0 feet minimum required front yard setback and 29.7 in lieu of 35.0 feet minimum required side yard setback for the reconstruction; 29.7 in lieu of 35.0 feet minimum required side yard setback for the deck; and 28.0 in lieu of 35.0 feet minimum required side yard setback for the gazebo. The property is situated on the north side of Marianne Road approximately 1,100 feet east of the intersection of Brookside Road and is shown on Assessor's Map #1 as Lot # 91, being 20 Marianne Road and located in an R-2 (residential) Zone.

**CALENDAR NO. 16-2023** The application of Matthew Napolitano and Bivona Developments, LLC submitted on August 23, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 23.0 in lieu of 25.0 feet minimum required west rear yard setback.

The property is situated on the east side of a common driveway known as Turnabout Lane approximately 150 feet south of the intersection of West Avenue and is shown on Assessor's Map #40 as Lot #22, being 2 Turnabout Lane and located in an R-1/5 (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. Election of Officers, among regular members.
2. Report of ZBA Committee considering the requested release of a performance bond, authorization for issuance of a Certificate of Occupancy and acceptance of amended plans for the Giovanni's at Water's Edge canopy and site improvements construction approved in Calendar No. 32-2014 and by Stipulated Agreement.
3. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, Gary Greene, and Jana Romine.
4. Approval of Minutes of meeting on April 19, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and Gary Greene.
5. Approval of Minutes of meeting on May 24, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and John McGrath.

6. Approval of Minutes of meeting on June 21, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Kevin Fullington, Matt Lauria, and John McGrath.
7. Approval of Minutes of meeting on July 12, 2023. ZBA members attending this meeting were Jeff Williams, Barb Hazelton, Matt Lauria, Jana Romine and John McGrath.
8. 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**