

**REGULAR MEETING
AGENDA**

Wednesday, September 22, 2010 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

This appears to be a relatively heavy agenda which the ZBA will make every reasonable effort to complete. However it may be difficult to properly consider all of the requests. You can be helpful by making your presentation efficiently. 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 them may be postponed to a later date.

CONTINUATION OF PUBLIC HEARING

Opened on July 21, 2010 and continued (with written authorization of the applicant) to tonight, September 15, 2010. Since no testimony, comment, or additional information was provided to the ZBA on July 21st, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight unless the ZBA determines to continue this hearing further and the applicant agrees to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until no later than October 29, 2010. The next scheduled regular ZBA meetings are September 22, 2010 and October 20, 2010. Or the ZBA may provide an advisory of any deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 43-2010

The application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson filed on June 23, 2010 for a variance of Section 825d6 of the Darien Zoning Regulations, to allow the

existing basement to remain with substantial improvements to the residence structure; Section 825d6: maintenance of existing basement space at 11.25 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south side of Renshaw Road approximately 300 feet west of the intersection of Renshaw Road and Boston Post Road and is shown on Assessor's Map #41 as Lots #87 and 88, being 23 Renshaw Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 51-2010

The application of Renato Gasparian on behalf of Dale & Lauren Cheney filed on August 18, 2010 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story residence. Section 385: a determination that the subject lot is a legal nonconforming building lot with 75.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 75.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Edgerton Street approximately 300 feet north of the intersection of Edgerton Street and Edgerton Court and is shown on Assessor's Map #21 as Lot #151, being 23 Edgerton Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 52-2010

The application of Robin Gestal on behalf of Positive Properties filed on August 18, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second story addition and a deck; Section 406: 10.0 in lieu of 13.5 feet minimum required side yard setback. The property is situated on the west side of Dubois Street approximately 350 feet south of the intersection of Dubois Street and Laforge Road and is shown on Assessor's Map #45 as Lot #81, being 67 Dubois Street and located in an R-1/3 and R-1/5 (residential) Zone.

CALENDAR NO. 53-2010

The application of Jeffrey McDougal and William W. Seymour & Associates on behalf of Raymond & Laura Bartone filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 27.3 in lieu of 30.0 feet minimum required front yard setback and 4.7 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the northwest side of Crimmins Road approximately 800 feet east of the intersection of Crimmins Road and

Dickinson Road and is shown on Assessor's Map #41 as Lot #110, being 36 Crimmins Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 55-2010

The application of Nancy Dietlin and Al Filippone Associates on behalf of Tom Golden & Dwight Collins filed on August 18, 2010 for variances of Sections 923.1a and 923.1c of the Darien Zoning Regulations, to allow the installation of two awning signs; Section 923.1a: 30 in lieu of 12 inches maximum projection of the wall signs from the face of the building; and Section 923.1c: 3 in lieu of 1 maximum wall sign. The property is situated on the northwest side of Boston Post Road opposite the intersection of Boston Post Road and Corbin Drive and is shown on Assessor's Map #73 as Lot #8, being 1063 Boston Post Road and located in the CBD (commercial) Zone.

CALENDAR NO. 56-2010

The application of Gleason & Associates and AGF Associates on behalf of Mini of Fairfield County filed on August 18, 2010 for variances of Sections 923.1, 926.1, 926.4 and 926.2 of the Darien Zoning Regulations, to allow the installation of two wall signs and a pole sign; Section 923.1: 17 3/16 for the support poles and approximately 16 for the wall sign panels in lieu of 12 inches maximum projection from the face of the building; 14 5/8 in lieu of 10 inches maximum letter height, and 16 ¼ in lieu of 10 inches maximum figure/logo height for the "Mini of Fairfield County" wall sign; 11 in lieu of 10 inches maximum letter height and maximum figure/logo height for the "Service" wall sign; 81 in lieu of 43.33 maximum allowable square feet for the "Mini of Fairfield County" sign; 20.7 in lieu of 8.67 maximum allowable square feet for the "Service" sign, and 101.7 in lieu of 52.0 total maximum allowable square feet for the wall signs; Section 926.1: internal illumination where none is permitted for the "Mini of Fairfield County" sign; Section 926.4: 2 in lieu of 1 maximum wall sign; and Section 926.2: 38.6 in lieu of 18 square feet maximum per side, and 9 in lieu of 25 feet minimum front yard setback for the pole sign. The property is situated on the southeast side of Boston Post Road approximately opposite the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #32 as Lot #8, being 154 Boston Post Road and located in an SB-E (commercial) Zone.

CALENDAR NO. 57-2010

The application of Mr. Thomas Toepke and on behalf of 205 Post Road Development Partners, LLC filed on August 18, 2010 for variances of Sections 674b, 675, 904h, and 926.2 of the Darien Zoning Regulations, to allow the construction of a drive thru restaurant with stair platform and railing, HVAC and generator/transformer equipment, and the

installation of a pole sign; Section 674b: to allow a restaurant use with 0 square feet indoor space devoted to customer tables and seating in lieu of 1,200 square feet minimum required; Section 675: 26.6 in lieu of 30.0 feet minimum required front yard setback for the stair platform; 25.0 in lieu of 30.0 feet minimum required front yard setback for the HVAC and generator/transformer equipment; Section 904h: 4 in lieu of 5 minimum required parking spaces; and Section 926.2: 13.5 in lieu of 30.0 feet minimum required front yard setback for the pole sign. The property is situated on the northwest side of Boston Post Road at the southwest corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #13 as Lot #6, being 205 Boston Post Road and located in an SB-E (commercial) Zone.

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. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested three month extension, received September 15, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 3-2010, Faesy-Smith Architects on behalf of Tom & Shepard Halsch, 2 Juniper Road. The Public Hearing of this matter was February 24, 2010. Initial ZBA approval expires on September 25, 2010.
3. Requested extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 1-2010, Foster Kaali-Nagy, 70 Five Mile River Road. The Public Hearing of this matter was February 24, 2010. Initial ZBA approval expires on September 25, 2010.
4. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
5. 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).