

REGULAR MEETING
AGENDA

Wednesday, February 11, 2009 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.

CONTINUATION OF PUBLIC HEARING

Opened on December 17, 2008 and continued to January 14, 2009. Reopened on January 14, 2009 and immediately recontinued to tonight February 11, 2009 (with written authorization of the applicant). The available ZBA members who attended the December 17th hearing segment are Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis. Al Tibbetts may also be available after listening to the tape of the December 17th hearing segment. If the ZBA determines to continue this hearing further, the applicant has provided an extension allowing the ZBA to continue this hearing until the March 18th meeting. This hearing must be concluded no later than March 27, 2009 (within 100 total days from its December 17th opening).

CALENDAR NO. 63-2008

The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on November 19, 2008 for variances of Sections 662, 226, 334, 665, 904, 906.6 and 944 of the Darien Zoning Regulations, to allow the

construction of a two story retail, commercial sales and services and/or business and professional office building; Section 662: possible commercial sales and services use without external storage or activity; possible business and professional office use where none is permitted; Section 226: 19.0 in lieu of 20.0 feet minimum required parking space depth; Section 334: construction on a portion of the lot with 74.8 in lieu of 100.0 feet minimum required lot depth; Section 655: 16.4 in lieu of 30.0 feet minimum required front yard setback; 3.2 in lieu of 0.0 or 4.0 feet minimum required side yard setback; 2.0 in lieu of 25.0 feet minimum required rear yard setback; 39.8 in lieu of 20.0% maximum allowable building coverage; 91.4 in lieu of 80.0% maximum allowable developed site area; 0.0 in lieu of 6.0 feet minimum required front landscape depth; Section 904: 8 in lieu of 33 minimum required parking spaces; Section 906.6: 0.0 in lieu of 6.0 feet minimum required front parking setback; and Section 944: 0.0 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots. The property is situated on the southeast side of Boston Post Road Street approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 13 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone.

PUBLIC HEARINGS

CALENDAR NO. 72-2008

The application of John Olsen filed on December 17, 2008 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a modified roof on the existing detached garage; Section 406: 29.0 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the north side of Sunset Road approximately 1936 feet east of the intersection of Sunset Road and Mansfield Avenue and is shown on Assessor's Map #15 as Lot #67, being 50 Sunset Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 73-2008

POSTPONED TO MARCH 18th

The application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner filed on December 17, 2008 for variances of Sections 675b, 674b, 904h, 210, and 920 of the Darien Zoning Regulations, to allow the construction of a one story vestibule/entry foyer addition, the installation of four awning/canopies with service lettering, and the installation of a wall sign; Section 675b: 69.0 in lieu of 75.0 feet minimum required Boston Post Road front yard setback, and 68.0 in lieu of 75.0 feet minimum required Richmond Drive front yard setback for the addition; 70.0 in lieu of 75.0 feet minimum required

Boston Post Road front yard setback, and 52.0 in lieu of 75.0 feet minimum required Richmond Drive front yard setback for the awning/canopies; Section 674b: 670 in lieu of 1,200 square feet minimum required customer table and seating area; Section 904h: 17 in lieu of 29 minimum required parking spaces; Section 210: to allow signage to include a description of provided service where business identification only is permitted; and Section 920: the installation of a wall sign in addition to the installation of awning/canopy signs. The property is situated on the northwest side of Boston Post Road at the northeast corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #12 as Lot #35, being 171 Boston Post Road and located in the SB-E (commercial) Zone.

CALENDAR NO. 1-2009

The application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro filed on January 14, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, second story, and two and one half story additions and the installation of HVAC equipment; Section 406: 7.5 in lieu of 17.1 feet minimum required side yard setback relative to the north property line, 11.3 in lieu of 21.0 feet minimum required side yard setback relative to the south property line, and 18.8 in lieu of 25.0 feet minimum required total of two side yards setback for the additions; 12.0 in lieu of 17.1 feet minimum required side yard setback relative to the north property line for the HVAC equipment; and construction of additional building volume on a lot with 21.78 in lieu of 20.0% maximum allowable building coverage. The property is situated on the west side of Hillcrest Avenue approximately 150 feet south of the intersection of Christie Hill Road and Hillcrest Avenue and is shown on Assessor's Map #27 as Lot #40, being 6 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 2-2009

The application of Scott M. and Julie L. Johnston filed on January 14, 2009 for variances of Sections 384 and 406 of the Darien Zoning Regulations, to allow the construction of two story, second story, and attic story additions and the installation of HVAC equipment; Section 384: expansion of the residence structure in a non-conforming location; and Section 406: 36.9 in lieu of 40.0 feet minimum required front yard setback and 44.4 in lieu of 65.0 feet minimum required total of two side yards setback as measured from the centerline of Beach Drive for the additions; and 8.0 in lieu of 40.0 feet minimum required front yard setback and 33.0 in lieu of 65.0 feet minimum required total of two side yards

setback as measured from the centerline of Outlook Drive for the additions; and 12.0 in lieu of 15.0 feet minimum required side yard setback, 36.9 in lieu of 40.0 feet minimum required front yard setback, and 44.4 in lieu of 65.0 feet minimum required total of two side yards setback as measured from the centerline of Beach Drive for the HVAC equipment. The property is situated on the east side of Beach Drive at the southeast corner formed by the intersection of Beach Drive and Outlook Drive and is shown on Assessor's Map #52 as Lot #97, being 27 Beach Drive and located in an R-1/2 (residential) 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 amendment to the approved plans of Calendar No. 61-1985, Ramiz Khoda on behalf of Alliance Energy LLC, Vincent Derentiis, and Sunoco for the current Exxon station property, 1044 Boston Post Road.
3. Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 79 Locust Hill Road.
4. Approval of Minutes of decisions from January 14, 2009 (seated ZBA members for these decisions were Al Tibbetts, Gary Greene, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Polly Davis):

Calendar #68-2008 Fiordalis, 11 Cherry Street
Calendar #69-2008 Jackson, 84 Rings End Road
Calendar #70-2008 J Baron, 103 Raymond Street
Calendar #71-2008 Licari, 21 Cherry Street

5. Approval of Minutes of decision of Calendar No. 54 -2008, Sarrazin Architecture PLLC on behalf of Fine builders LLC, 3 Nutmeg Lane. Seated ZBA members for this decision were Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, and Polly Davis.

6. Approval of Minutes of decision of Calendar No. 29 -2008, Rucci, Burnham, Carta, Carello & Reilly on behalf of Sheila Duffy and Nanci Roth-Natale, 79 Locust Hill Road and 139 Tokeneke Road. Seated ZBA members for this decision were Vic Capellupo, Al Tibbetts, Gary Greene, Ruth Anne Ramsey, and John Ashburne.

7. 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).