

REGULAR MEETING
AGENDA

Wednesday, March 18, 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

CALENDAR NO. 63-2008

Opened on December 17, 2008 and continued to January 14, 2009. Reopened on January 14, 2009 and immediately recontinued to February 11, 2009. Reopened on February 11, 2009 and recontinued to tonight March 18, 2009 (with written authorization of the applicant). The available ZBA members who attended the December 17th and February 11th hearing segments are Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis. Vic Capellupo may also be available after listening to the tape of the February 11th hearing segment. This hearing must be concluded no later than March 27, 2009 (within 100 total days from its December 17th opening). However, the applicant has been advised of the ZBA's preference to conclude this hearing tonight March 18th.

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 11 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. 73-2008

POSTPONED TO APRIL 22ND

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, 904h, 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, use of the second floor area, 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 904h: 17 in lieu of 22 minimum required parking spaces; 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. 3-2009

The application of Lance E. Zimmerman on behalf of Carl & Irene Trautmann filed on February 18, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story foyer, covered porch, and

second story dormer additions; and the installation of HVAC equipment; Section 406: 19.2 in lieu of 40.0 feet minimum required rear yard setback for the additions; and 17.5 in lieu of 40.0 feet minimum required rear yard setback for the HVAC equipment. The property is situated on the east side of Laurel Lane at the northeast corner formed by the intersection of Laurel Lane and Middlesex Road and is shown on Assessor's Map #26 as Lot #25, being 4 Laurel Lane and located in R-1/2 and R-1 (residential) Zones.

CALENDAR NO. 4-2009

The application of Jacqueline Pask and Acme Sign Co. on behalf of Baywater Post Road Associates II, LLC filed on February 18, 2009 for a variance of Section 923.1 of the Darien Zoning Regulations, to allow the installation of sign logo; Section 923.1: 15.5 in lieu of 10 inches maximum allowable figure height. The property is situated on the southeast side of Boston Post Road approximately 200 feet north of the intersection of Boston Post Road and Corbin Drive and is shown on Assessor's Map #72 as Lot #12, being 1020 Boston Post Road and located in the CBD (commercial) Zone.

CALENDAR NO. 5-2009

The application of Neil Hauck, AIA on behalf of Nassau Mansfield Avenue LLC filed on February 18, 2009 for interpretations of Sections 334 and 385 and (if necessary), variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling. Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,867 in lieu of 14,520 square feet minimum required lot size; and Sections 334 and 406: construction on a building lot with 67.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Mansfield Avenue approximately 200 feet north of the intersection of Mansfield Avenue and Sedgewick Avenue and is shown on Assessor's Map #17 as Lot #14, being 49 Mansfield Avenue and located in an R-1/3 (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. Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 79 Locust Hill Road.
3. Approval of Minutes of meeting on February 11, 2009. ZBA members attending this meeting were Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis.
4. Approval of Minutes and Resolutions of the following public hearing application decisions made on February 11, 2009. Seated ZBA members for these decisions were Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis.

Calendar #72-2008 Olsen, 50 Sunset Road
Calendar #1-2009 Alliegro, 6 Hillcrest Avenue
Calendar #2-2009 Johnston, 27 Beach Drive

5. 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.
6. 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).