

REGULAR MEETING
AGENDA

Wednesday, April 22, 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 March 25, 2009 and continued to tonight April 22, 2009. This hearing must be concluded by April 29th (within 35 days after its March 25th opening). The next scheduled regular ZBA meeting is April 29, 2009.

CALENDAR NO. 11-2009

The application of Marek Kaminski filed on February 18, 2009 for variations of Sections 406 of the Darien Zoning Regulations and an amendment to the approved plans of Calendar No. 70-2006 to allow the existing, two and one-half story, enlarged residence with HVAC equipment to remain; Section 406: 4.13 in lieu of 10.98 feet minimum required side yard setback relative to the north property line, 14.02 in lieu of 20.87 feet minimum required side yard setback relative to the south property line, and 18.15 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Fairfield Avenue approximately 350 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #20 as Lot #130, being 14 Fairfield Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 73-2008

The applicant has provided extensions allowing this hearing to be opened tonight April 22nd. **This Public Hearing must be opened by April 26, 2009** (within 130 days after its December 17, 2008 Receipt Date). There have been neighbor notification difficulties and plan changes. The ZBA may open this hearing tonight (April 22, 2009) and continue it for 35 days if necessary.

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. 18-2009

The application of Thomas G. Carruthers filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 25.4 in lieu of 30.0 feet minimum required front yard setback and 50.4 in lieu of 55.0 minimum front yard setback as measured from the centerline of Intervale Road. The property is situated on the south side of Intervale Road approximately 200 feet west of the intersection of Intervale Road and Forest Road and is shown on Assessor's Map #24 as Lot #122, being 34 Intervale Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 12-2009

The application of Christian Browning filed on March 25, 2009 for variances of

Sections 210 and 406 of the Darien Zoning Regulations, to allow the construction of additional basement living space; Section 210: 58.1 in lieu of 50.0 percent maximum allowable basement living space floor area compared to the first floor living space area; and Section 406: 2.581 in lieu of 2.5 maximum allowable stories.

The property is situated on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146, being 17 Greenwood Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 13-2009

The application of Wai Ping Wong & Kitty Shuk Han filed on March 25, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and one story covered porch additions; Section 406: 47.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road for the second story; and 42.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road for the covered porch. The property is situated on the west side of Relihan Road approximately 80 feet south of the intersection of LaForge Road and Relihan Road and is shown on Assessor's Map #44 as Lot #18, being 31 Relihan Road and located in an R-1/5 (residential) Zone.

CALENDAR NO. 16-2009

The application of Robert Carley on behalf of Eliane Carley filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement deck with a handicap ramp; Section 406: 16.9 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Edgerton Street at the northeast corner formed by the intersection of Randall Street and Edgerton Street and is shown on Assessor's Map #21 as Lot #146, being 13 Edgerton Street 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. Requested amendment to the approved plans of Calendar No. 28-2008, Thomas Carruthers, 18 Thomasina lane.
3. Approval of Minutes of meeting on March 25, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis.
4. Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible procedural adjustments.
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).