

REGULAR MEETING
AGENDA

Wednesday, September 16, 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.

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. Swearing in of recently reappointed ZBA members Chuck Deluca, John Ashburne, and Ruth Anne Ramsey by Town Clerk Donna Rajczewski.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 29-2009

Opened on July 15, 2009 and continued to tonight, September 16, 2009 with verbal and written authorization of the applicant. The previously seated ZBA members for this request are Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey. John Ashburne. Gary Greene and John Ashburne have also reviewed the application materials, a DVD recording of the

July 15th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight. However if the determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than October 23, 2009 (up to 100 total days from its July 15 opening). The next scheduled regular ZBA meetings are September 23, 2009 and October 21, 2009. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on June 17, 2009 for variances of Sections 662, 226, 334, 666, 906.6, 940, 943b, 944, and 904 if necessary, 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 with a transformer/generator, garbage enclosure, and HVAC equipment; Section 662: possible commercial sales and services use with limited generally required external storage or activity which is a normal part of the operation of the use; possible business and professional office use where none is permitted; Section 226: 41.0 in lieu of 44.0 feet minimum required parking space and aisle depth; allowing a portion of one additional parking space and a portion of the required backup space for another to be on adjacent State property; Section 334: construction on a portion of the lot with less than 100.0 feet minimum required lot depth; Section 666: 0.0 in lieu of 65.0 feet minimum required parking setback in front of the building; 1.5 in lieu of 0.0 or 4.0 feet minimum required side yard setback for the transformer/ generator; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator; 7.0 and in lieu of 25.0 feet minimum required rear yard setback for the garbage enclosure; 21.5 and 19.5 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 2.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; 7.7 and 5.9 in lieu of 25.0 minimum required rear yard setback for the building and eave; 5.6 in lieu of 25.0 minimum required rear yard setback for the HVAC equipment; 35.0 in lieu of 20.0% maximum allowable building coverage; 0.0 and -2.5 in lieu of 6.0 feet minimum required front landscape depth; Section 666, 906.6, and/or 943b: 0.0 and -2.5 in lieu of 6.0 feet minimum required front parking setback; 14.0 in lieu of 25.0 feet minimum required rear parking setback; Sections 666 and 940: 0.0 and -2.5 in lieu of 10.0 feet minimum required front landscape area; Sections 667 and 944: 5.6 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots; and Section 904 if necessary: 7 in lieu of 24 minimum required parking spaces. The property is situated on the southeast side of Boston Post Road 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. 27-2009

The application of Ken & Karla Coe filed on June 17, 2009 for an interpretation of Section 371 of the Darien Zoning Regulations, to allow the construction of a 6'-10" square x 8'-0" high cupola to provide natural daylight and act as a heat chimney; Section 371: a determination that the proposed cupola is the minimum necessary to accomplish the purpose it is intended to serve. The property is situated on the north side of Pembroke Road approximately 300 feet east of the intersection of Pembroke Road and Mansfield Avenue Street and is shown on Assessor's Map #1 as Lots #2 and 3, being 19 Pembroke Road and located in an R-2 (residential) Zone.

CALENDAR NO. 33-2009

The application of Loren Meyer, AIA on behalf of Gary & Ani Khachian filed on August 19, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story foyer and covered porch addition; Section 406: 24.4 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the south side of Victory Drive, approximately 200 feet west of Devonshire Drive, at the intersection of Glenwood Drive and Victory Drive and is shown on Assessor's Map #47 as Lot #72, being 8 Victory Drive and located in an R-1/3 (residential) Zone.

CALENDAR NO. 34-2009 TO BE OPENED AND IMMEDIATELY CONTINUED TO SEPTEMBER 23rd

The application Wai Ping Wong & Kitty Shuk Han filed on August 19, 2009 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story residence with a one story covered porch; Section 406: 44.5 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road. 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. 35-2009

The application of Daniel & Margaret Smith filed on August 19, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of one and one-half and two and one-half story additions with two additional attic dormers; Section 406: 39.45 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 100 feet north of the intersection of Long Neck Point Road and Pear Tree Point Road and is shown on Assessor's Map #59 as Lot #10, being 147 Long Neck Point Road and located in an R-1 (residential) Zone.

OTHER BUSINESS

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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. 67-2008, Arthur Collins, 45 Pear Tree Point Road.
3. Approval of Minutes of meeting on July 15, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey.
4. Approval of Minutes and Resolutions of the following public hearing application decisions made on July 15, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey.

Calendar #32-2009 Frate, 1941 Boston Post Road
Calendar #26-2009 Dudley, 9 Raymond Herights
Calendar #28-2009 Barker, 16 Chestnut Street
Calendar #30-2009 Zawacki/Paturno, 7 Mansfield Place
Calendar #31-2009 Delucia, 1 Runkenhage Road

5. Review of Public Hearing statements relative to the Resolution of Calendar #12-2009, the application of Christian Browning regarding property at 17 Greenwood Avenue.
6. Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible recommendations for sign regulation changes or procedural adjustments.
7. 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.
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).