

REGULAR MEETING
AGENDA

Wednesday, December 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.

CONTINUATION OF PUBLIC HEARINGS

Opened on November 18, 2009 and immediately continued to tonight, December 16, 2009 at the applicants' requests due to the lack of a full 5 member panel on November 18th. Since no testimony, comment, or additional information was provided to the ZBA on November 18th, the seated ZBA panel for this request is those members present tonight. These hearings must be completed by December 25, 2009 (within 35 days after their November 18th opening). However, the next scheduled regular ZBA meeting is January 20, 2010. Therefore, if the ZBA determines to continue any of these hearings further, a special meeting must be scheduled by December 25th when all of the seated members can attend. Or the applicants may provide up to a 65 day extension allowing the ZBA to continue these hearings until no later than February 26, 2009 (up to 100 total days). Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 36-2009

The application of Lance E. Zimmerman, AIA on behalf of M. David Magnotta filed on August 19, 2009 for variances of Sections 406 and 361 of the Darien

Zoning Regulations, to allow the construction of a one story screened porch addition and the installation of a pool with equipment and a terrace; Section 406: 33.9 in lieu of 35.0 feet minimum required side yard setback and 29.0 in lieu of 50.0 feet minimum required rear yard setback for the screened porch; 7.3 in lieu of 35.0 feet minimum required side yard setback and 32.8 in lieu of 50.0 feet minimum required rear yard setback for the pool; 31.1 in lieu of 35.0 feet minimum required side yard setback for the equipment; and Section 361: 2.3 in lieu of 8.0 feet minimum required lot line setback for the terrace. The property is situated on the west side of Brookside Road approximately 400 feet south of the intersection of Brookside Road and Three Wells Lane and is shown on Assessor's Map #5 as Lot #17-1, being 215 Brookside Road and located in an R-2 (residential) Zone.

CALENDAR NO. 46-2009

The application of Edward Schildnecht Jr. filed on October 21, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement one story garage addition attached to an enlarged residence; Section 406: 5.2 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the west side of Walmsley Road approximately 160 feet south of the easternmost intersection of Walmsley Road and Linden Avenue and is shown on Assessor's Map #46 as Lot #120, being 6 Walmsley Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 47-2009

The application of Gleason & Associates LLC on behalf of Connecticut Community Bank, NA dba The Greenwich Bank and Trust Company and 205 Post Road Development Partners, LLC filed on October 21, 2009 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; 25.5 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.

PUBLIC HEARING

CALENDAR NO. 48-2009

The application of William W. Seymour & Assoc. on behalf of Traditional Building & Design LLC filed on October 18, 2009 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two story residence; Section 385: a determination that the subject lot is a legal nonconforming building lot with 9,420 in lieu of 14,520 square feet minimum required lot size; and Section 334: construction on a building lot with 59.8 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of Sedgwick Avenue approximately 115 feet west of the intersection of Sedgwick Avenue and Lakeside Avenue and is shown on Assessor's Map #17 as Lot #88, being 69 Sedgwick 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. Approval of Minutes and Resolutions of the following public hearing application decisions made on November 18, 2009. Seated ZBA members for these decisions were Gary Greene, Al Tibbetts, John Ashburne, and Anthony Simari.

Calendar # 39-2009, Rucci, Burnham, Carta & Carello, LLP on behalf of J. Wilson Ropp & Adrienne Dreiss, 364 Hollow Tree Ridge Road.

Calendar # 45-2009, Jacek Bigosinski and PB Architects on behalf of Darien Auto Group, 1335 Boston Post Road.

3. Approval of Minutes and Resolution of the following public hearing application decision made on October 7, 2009. Seated ZBA members for this decision were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, and Jeff Williams.

Calendar # 29-2009, Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC, 1292 Boston Post Road.

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).