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## **Shake Shack Now Faces Higher Hurdle in Darien, Even as P&Z Approves Application**

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**Categories :** [Business](#), [Food & Drink](#), [Restaurants & Bars](#)

**Tagged as :** [Baywater Properties](#), [Baywater Properties 2016](#), [Darien Planning & Zoning Commission 2016](#), [Darien Planning and Zoning Commission](#), [Planning & Zoning Commission 2016](#), [Shake Shack](#), [Shake Shack 2016](#), [Zoning Board of Appeals](#)[Zoning Board of Appeals 2016](#)

**Date :** May 11, 2016

Shake Shack's application to open a restaurant on the Post Road received unanimous approval from the Darien Planning & Zoning Commission Tuesday, but the major hurdle before another crucial town board recently got higher.

The P&Z voted unanimously to approve the restaurant's application to open a restaurant at 1340 Post Road, the former site of Chuck's Steak House. But a major sticking point with town land-use officials over the restaurant's application has always been the larger signs that Shake Shack wants — bigger than what town regulations currently allow. The largest proposed sign would be 22 inches high; town regulations now set the

maximum at 10 inches.

That argument is before the Zoning Board of Appeals, which recently hired a consultant to do a "peer review" on the signage proposed in Shake Shack's most recent application. The ZBA also postponed a discussion about the signage until early June.

Planning & Zoning Commission members have said the panel expects to review (and probably revise) the town signage regulations that it's in charge of setting, but that won't happen for months, and Shake Shack had wanted to build a Darien restaurant this summer. In the meantime, it's the ZBA's job to work with the present regulations, granting variations when it believes an applicant has justified a variance by proving a hardship.

After the P&Z Commission voted late Tuesday night to approve its part of the Shake Shack request, commission Chairman Susan Cameron gave this statement (which is at the 1:48 mark on the TV79 video of the meeting — published at the bottom of this article):

Before we move on to the next item, there's something that I would like to say to Shake Shack and the applicant:

I sincerely hope that Shake Shack will decide to come to Darien regardless of the outcome of the ZBA application. From the outset, Planning & Zoning has stated that we are going to take a comprehensive look at our signage regulations, but that we were not going to take this up for this zone and this application.

I have seen the new submittal to the ZBA and I appreciate the argument their sign expert's making regarding larger letters being possibly needed in zones where traffic moves more quickly, and I understand there may be peer review, and having expert views from one or more people will be very helpful for us on Planning & Zoning as we move forward with our signage regulations.

That said, I am fully supportive of ZBA's decision, whatever that may be. Theirs is a narrow review, and as a member of Planning & Zoning, I applaud their diligence in upholding our regulations in allowing variances only where they feel a case for a hardship has been made.

So I hope Shake Shack will come even if their signage has to meet current regulations at this point in time, and I just want to say that I believe in any case, people are going to find them.

"And we are going to work on the sign regulations," P&Z Commission Member John Sini said at the conclusion of Cameron's statement. Cameron then repeated his words.

The Shake Shack application before the ZBA has been postponed until early June to allow the consultant to look into the matter.

There was some good news for the restaurant's application: The P&Z Commission approved the application with several conditions — but didn't include an extensive flood-mitigation system as one of them, as a consultant hired for the town had suggested.

The ZBA previously [rejected Shake Shack's bid](#), with the major sticking point being those larger signs. At that point, Shake Shack "walked away" from its bid for a Darien location, Developer David Genovese, whose Baywater Properties owns the land through an affiliated company said at the time.

Just after Shake Shack withdrew, ZBA officials told Darienite.com that the company hadn't made a case that it had a particular hardship that would justify larger signs. They said they needed a justification for overturning town regulations in one case or many other, similar applications for larger signs would come in, with applicants demanding they get similar treatment. If Shake Shack reapplied for the variance and made a better case, ZBA officials said, they [would have been happy to approve it](#).

Genovese [has pointed out](#) that Darien land use boards had already given variances for larger signs in town, including at H&L Chevrolet, not far down the street from the proposed Shake Shack, and for the Jaguar/Land Rover dealership going up just across the street.

Weeks after the ZBA rejection, the restaurant company changed its mind and [re-applied for a variance](#) with a proposal for somewhat [smaller signage](#) and a written statement from a sign expert to justify that signs as small as Darien regulations allow signs would be a special hardship for the company.

In recent weeks, as Cameron mentioned, the ZBA has hired a consultant to review the restaurant's most recent application, which contained a written recommendation from a signage expert stating that larger signs were needed to let passing drivers realize Shake Shack was there. The large signs would give drivers time to make safe turns into the restaurant parking lot, according to the expert.

Genevese attended the part of the meeting where Shake Shack was discussed, then left after Cameron gave her statement and the commission moved on to other matters. He declined to comment.

**Update/editor's note, 1:44 p.m.:** *Wording has been changed slightly in Susan Cameron's statement above after Darien TV79 posted a video of the meeting (with better sound quality). The video is just below. The Shake Shack item on the agenda starts at the 1:30 mark and ends at the 1:50 mark.*

**Darien TV79 video of the Tuesday meeting**

[Planning & Zoning Commission 5-10-16](#) from [Darien TV79](#) on [Vimeo](#).

*Editor's note: The headline was changed at 8:51 p.m. Thursday, with the words "More Difficulties" replaced by "Higher Hurdle."*