

REGULAR MEETING
AGENDA

Wednesday, December 14, 2005 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

PUBLIC HEARINGS

CALENDAR NO. 70-2005

The applicant has provided a 65 day extension. Therefore, **this Public Hearing must be now be opened by January 1, 2006** (within 130 days after its August 24, 2005 Receipt Date). The ZBA may open this hearing tonight (December 14, 2006) and continue it for 35 days if necessary

The application of Michael P. Sweeney, Esq. on behalf of John Cappiello, James Cappiello, & Deborah Cappiello filed on August 24, 2005 for an interpretation of Section 385 and, if necessary, variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the establishment of three building lots. Section 385: a determination that the subject lots are legal nonconforming building lots; Section 334: construction on building lots with 57.5 in lieu of 80.0 feet minimum required lot width for the westerly lot, and 50.0 in lieu of 60.0 feet minimum required lot width for the center and easterly lots; and Section 406: 9,942 in lieu of 14,520 square feet minimum required lot size for the westerly lot, and 8,593 in lieu of 8,712 square feet minimum required lot size for the center lot. The property is situated on the south side of West Avenue approximately opposite the intersection of West Avenue and Oak Park Avenue and is shown on Assessor's Map #48 as Lots #39, 40, and 41, being 339 West Avenue and located in R-1/3 and R-1/5 (residential) Zones.

CALENDAR NO. 79-2005

The application of Hilda Salerno on behalf of Patriot National Bank and James Quinn filed on September 21, 2005 for a variance of Section 923.1 of the Darien Zoning Regulations, to allow the installation of two additional awning signs; Section 923.1: 4 in lieu of 2 maximum wall signs for a commercial occupancy. The property is situated on the north side of Boston Post Road at the southeast corner formed by the intersection of Sedgwick Avenue and Boston Post Road

and is shown on Assessor's Map #71 as Lots #1, 2, and 17, being 800 Boston Post Road and located in the CBD (commercial) Zone.

CALENDAR NO. 90-2005

The application of Lance Zimmerman on behalf of Peter Grant filed on November 16, 2005 for an interpretation of Section 385 and variations 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 9,187 in lieu of 14,520 square feet minimum required lot size; Section 334: construction on a portion of the lot with 60.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 9,187 in lieu of 14,520 square feet minimum required lot size. The property is situated on the east side of Patricia Lane approximately 460 feet northeast of the southern intersection of Patricia Lane and Dubois Street and is shown on Assessor's Map #43 as Lot #72, being 21 Patricia Lane and located in an R-1/3 (residential) Zone.

CALENDAR NO. 91-2005

The application of Joel & Kristy Schutzman filed on November 16, 2005 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 13.8 in lieu of 22.0 feet minimum required side yard setback relative to the south property line; and 16.8 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the west side of Fairfield Avenue approximately 120 feet south of the intersection of Fairfield Avenue and Elm Street and is shown on Assessor's Map #21 as Lot #38, being 31 Fairfield Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 92-2005

The application of Charles A. Koons III and Elizabeth K. Koons filed on November 16, 2005 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of second story, chimney, two story, and one story covered front porch additions to the residence; and a second level addition to the detached garage. Section 334: construction on a portion of the lot with 74.0 in lieu of 100.0 feet minimum required lot depth for the residence

additions; construction on a portion of the lot with 76.0 in lieu of 100.0 feet minimum required lot depth for the garage addition; Section 406: 10.1 in lieu of 25.0 feet minimum required rear yard setback for the second story, chimney, and two story residence additions; 26.9 in lieu of 30.0 feet minimum required front yard setback for the one story covered front porch addition; 4.2 in lieu of 10.0 feet minimum required side yard setback and 17.9 in lieu of 25.0 feet minimum required rear yard setback for the second level addition to the detached garage. The property is situated on the east side of DuBois Street approximately 200 feet north of the intersection of Boston Post Road and DuBois Street and is shown on Assessor's Map #43 as Lot #94, being 12 Dubois Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 93-2005

The application of Salvatore & Jennifer Materia filed on November 16, 2005 for an interpretation of Section 385 and a variation of Section 334 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 71.0 in lieu of 80.0 feet minimum required lot width; and Section 334: construction on a portion of the building lot with 71.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Mansfield Avenue approximately 20 feet south of the intersection of Roland Drive and Mansfield Avenue and is shown on Assessor's Map #17 as Lot #27, being 93 Mansfield Avenue and located in an R-1/3 (residential) Zone.

GENERAL MEETING

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 legal 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.
2. Requested extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 45-2005, Charles Molony, 25 Fitch Avenue. The Public Hearing of this matter was June 22, 2005. Initial ZBA approval expires on January 7, 2006.

3. General discussion of Application Materials and Deliberation Procedure.
4. Any other business (requires 2/3 vote of members present and voting).

APPROVAL OF MINUTES

1. **Minutes of decisions from September 21, 2005** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Gary Greene, and Chuck Deluca.
2. **Minutes of decisions from September 28, 2005** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Chuck Deluca, and Everett Drugge.
3. **Minutes of decisions from October 19, 2005** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Chuck Deluca, Jeff Williams, and Peter Thoren.
4. **Minutes of decisions from November 16, 2005** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Gary Greene, Chuck Deluca, and Everett Drugge.