

REGULAR MEETING
AGENDA

Wednesday, October 19, 2005 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

GENERAL MEETING

1. Discussion, consideration and possible authorization for Town Attorney Jim Murphy to finalize the settlement or withdrawal of pending litigation in the *Kirmar Investments Inc. v. Darien Zoning Board of Appeals, Dean and Perrone v. Darien Zoning Board of Appeals, et. al.* , and *Santos-Buch & Ferrero v. Darien Zoning Board of Appeals et. al.* matters.

PUBLIC HEARINGS

CALENDAR NO. 77-2005

The application of John & Deborah Aspinwall filed on September 21, 2005 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered front porch addition; Section 406: 40.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Beach Drive. The property is situated on the east side of Beach Drive approximately 75 feet south of the intersection of Beach Drive Outlook Drive and is shown on Tax Assessor's Map #52 as Lot #98, being 29 Beach Drive and located in an R-1/2 (residential) Zone.

CALENDAR NO. 78-2005

The application of Wendell Anderson on behalf of Post & Beam, LLC & John Rhode filed on September 21, 2005 for an interpretation of Section 385 and a 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; Section 334: construction on a building lot with 164.0 in lieu of 200.0 feet minimum required lot width; and Section 406: 34,643 in lieu of 87,120 square feet minimum required lot size. The property is situated on the south side of Huckleberry Lane approximately 400 feet east of the intersection of Brookside Road and Huckleberry Lane and is shown on Assessor's Map #1 as Lot #79, being 36 Huckleberry Lane and located in an R-2 (residential) Zone.

CALENDAR NO. 64-2005

This Public Hearing must be opened by October 30, 2005 (within 130 days after its June 22, 2005 Receipt Date). The applicant has provided the maximum 65 day extension to open this hearing. The application materials and neighbor notifications have previously been incomplete. The ZBA may open this hearing tonight (October 19, 2005) and continue it for 35 days if necessary.

The application of Maritza Rozas filed on June 22, 2005 for a variation of Section 382 of the Darien Zoning Regulations to allow the construction of a second story dormer addition. Section 382: enlargement of a non-conforming, two residence use of the property. The property is situated on the north side of Old Kings Highway South approximately 200 feet west of the intersection of Andrews Drive and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #42, being 72-74 Old Kings Highway South and located in an R-1/3 (residential) Zone.

CALENDAR NO. 76-2005

The application of Jeremy Waycott on behalf of Pear Partners LLC filed on September 21, 2005 for a variance of Sections 923.1, 928.11, and 928.18 of the Darien Zoning Regulations, to allow the installation of four 18" x 85" banners; Section 923.1: the installation of 4 additional wall signs (banners) projecting 18 in lieu of 12 inches from the face of the building; Section 928.11: the installation of signs projecting at right angles to a building; Section 928.18: the installation of banners. The property is situated on the northwest side of Boston Post Road approximately 500 feet northeast of the intersection of Boston Post Road and Leroy Avenue, and is shown on Tax Assessor's Map #73 as Lots #7 and #42, being 1077 Boston Post Road (the Darien Playhouse Building), and located in the CBD (commercial) 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 amendment to the approved plans of Calendar No. 86-2004, Michael & Cynthia Grant, 8 Circle Road.

3. Requested amendment to the approved plans of Calendar No. 54-2005, Douglas C. Curtis, Jr., 10 Clocks Lane.
4. **Proposed** amendment to the plans of Calendar No. 66-2005, Robert Strada on behalf of Georgianna Matthys, 73 Holmes Avenue.
5. Requested amendment to the resolution of Calendar No. 4-1995, Kathryn L. Pasternak on behalf of Darien Rowayton Bank and Dolcetti, Inc., 979 Boston Post Road.
6. Approval of Minutes from July 20, 2005 (seated ZBA members for these decisions were Vic Capellupo, Al Tibbetts, Gary Greene, and Everett Drugge).
7. Approval of Minutes from July 27, 2005 (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Everett Drugge, and Jeff Williams).
8. General discussion of Application Materials.
9. Any other business (requires 2/3 vote of members present and voting).