

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 25, 2020

James Bradshaw
35 Hudson Street
Apt. 2812 West
Jersey City, NJ 07302

Re: Zoning Board of Appeals Application
Calendar No. 05-2020 – GRANTED WITH STIPULATIONS
Property of Wenkai Bradshaw
20 DuBois Street, Darien

Dear Mr. Bradshaw,

Enclosed is a copy of the Darien Zoning Board of Appeals (ZBA) Resolution of your above referenced application. Please review it carefully. This variance approval, if not acted upon with all proper permits and new onsite building construction by December 25, 2020 (within six months from its effective date), shall become null and void. Put this date on your calendar now. As noted in the Resolution, all ZBA decisions are Legally Noticed in a newspaper having substantial circulation in Darien. This Resolution shall become effective when the Legal Notice is published. Approvals are also recorded on the Land Records in the Town Clerk's office.

Detailed minutes of the Public Hearing and the ZBA deliberation will be reviewed by the seated members, revised as necessary, and formally approved at the next available ZBA meeting. You may then purchase a copy at the Planning & Zoning Office in Room 211 of Town Hall.

As you know, the ZBA application process is very detailed for several reasons. The subsequent construction/installation of a ZBA approved project requires similar care to ensure that all approved plans are accurately implemented, often to exact dimensions which must be verified. Therefore, the following advisories are formally provided to ensure that the terms of your ZBA approval are clearly understood. Read this letter and the enclosed formal Resolution of your request carefully. If you are not the property owner, you are responsible for providing a copy to the appropriate individuals as soon as possible. There are significant legal obligations, which the property owner is responsible for. Information has been submitted, statements have been made, and specific plans have been referenced. There may be detailed Stipulations of the ZBA approval which must be strictly complied with. These may require amendments to the submitted plans and significantly limit this project. There may be unpermitted structures, violations or encroachments that must be corrected prior to project construction. There may even be controls placed on future use and/or development of the property.

In order to quickly proceed to construction, there are some steps outlined in the following paragraphs. These advisories and instructions are provided to assist you in prompt permitting, efficient construction, and successful project completion.

Separate additional Zoning and Building Permits (in addition to this variance approval) are required before any project construction can begin. Sanitary sewer connection approval from the Public Works Department or septic system installation approval from the Health Department may be required prior to acceptance of the Zoning Permit application. Three additional complete sets of final construction drawings, with Zoning and Building Permit Application forms, and a variable fee based on the value of the proposed construction are required. The Zoning Permit may be signed by the Zoning Enforcement Officer after expiration of the ZBA appeal period. **A site grading, drainage, and erosion control plan, is required to ensure that there will be no significant negative effects to neighboring properties, the roadside, or natural resources.**

After the Zoning Permit has been signed, the Building Official will review the plans for compliance with the Building Code. Darien Tax Collector clearance is required. An additional Building Permit fee will be charged based on the value of the proposed construction.

This ZBA approval does not relieve the applicant and/or owner of the responsibility to comply with all other applicable regulations, codes, and/or decisions of additional Town, State or other regulating agencies. This may include, but shall not be limited to, a Land Filling, Excavation and Earth Removal Special Permit from the Darien Planning and Zoning Commission, and a Street Opening Permit from the Town of Darien Public Works Department.

The final construction permit plans (including materials) must match the ZBA reviewed and approved plans as amended. There are significant foundation, first floor deck structure, and first floor walls in the work area, identified to be preserved on the architectural plans and in the owner's testimony at the Public Hearing. It is the owner's specific responsibility to ensure that the contractor accurately plans out all the construction work and preserves the necessary segments of the structure, so that the entire project will be in complete conformance with this variance approval. Any discrepancy, change, or potential problem must be immediately addressed and brought to the attention of the Zoning Enforcement Officer. Any significant changes must be reviewed and the amended plans approved by the ZBA prior to the Zoning Enforcement Officer's signing of the construction Zoning Permit. If construction has begun and segments of the structure, identified to remain, are removed, the contractor will be directed to suspend work until the problem is resolved by the ZBA. The ZBA may require a new application and public hearing in order to fairly review the changes.

In evaluating this application, the ZBA has relied on information provided by the applicant and/or owner. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the ZBA reserves the right, after notice and hearing, to modify, suspend or revoke this approval, as it deems appropriate.

As noted above, this variance approval, if not acted upon by December 25, 2020 (within six months from its effective date), shall become null and void. Put this date on your calendar. It is the specific responsibility of the property owner to properly manage the project and utilize this ZBA approval in a timely manner. ZBA staff will not advise you further about this possible

expiration. By this date, the applicant and/or owner must obtain all other required permits or approvals and must begin on-site building construction, not just demolition if applicable. An extension of this time period may only be granted by the ZBA upon written request by the applicant/owner. The reasons for the extension request must be clearly described and justified. A new public hearing may be required, especially if adjacent property owners, structures, or uses have changed.

Upon completion of the new foundation and prior to continuing construction, the applicant shall provide an updated survey to the Zoning Enforcement Officer verifying that the foundation location is in conformance with this ZBA granted variance. It is the owner's specific responsibility to ensure that the contractor accurately lays out all foundation work so that the entire project will be in complete conformance with this variance approval. Any discrepancy or potential problem must be immediately addressed and brought to the attention of the Zoning Enforcement Officer. Any constructed structure or portion thereof, which does not strictly comply with the ZBA reviewed and approved plans as amended, may invalidate this variance approval.

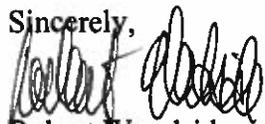
Upon completion of the work, the applicant shall provide a final as-built survey, professional certification letters, and/or photographs as necessary to verify that all construction has been completed in accordance with the ZBA reviewed and approved plans as amended.

All construction (including materials) shall be in strict conformance with the ZBA reviewed and approved plans as amended. In order to legally complete the project and prior to use or occupancy of the building, the applicant/owner must obtain a Certificate of Occupancy signed by the Building Official and a Zoning Compliance signed by the Zoning Enforcement Officer.

Any building (or portion thereof) constructed or structure use performed, which does not strictly comply with the ZBA reviewed and approved plans as amended, may invalidate this variance approval. A new ZBA application, review and public hearing to consider the change may be necessary. The ZBA may determine that the modified construction or use is unacceptable. The applicant and/or owner may be ordered to remove the non-complying construction, restore the structure and site to its original condition, or remove all of the nonconforming structure.

If you have any questions concerning the findings of the ZBA, please contact me at 203-656-7351. Thank you for your patience with the application process. Good luck with the completion of your project.

Sincerely,



Robert Woodside

Code Compliance Officer

Zoning Board of Appeals Staff

Cc: James Bradshaw, 20 Dubois Street, Darien CT

Enclosure

RECEIVED
8:17 AM
JUN 25 2020

TOWN CLERK'S OFFICE
DARIEN CT

ZONING BOARD OF APPEALS
TOWN OF DARIEN, CONNECTICUT
RESOLUTION
CALENDAR NO. 5-2020

THIS IS TO CERTIFY THAT, a public hearing was conducted by the Darien Zoning Board of Appeals (ZBA) on June 17, 2020 to consider the application of James Bradshaw on behalf of Wenkai Bradshaw submitted on February 19, 2020 for a variance of Section 406 of the Darien Zoning Regulations. The property is situated on the east side of Dubois Street at the southeast corner formed by the south intersection of Dubois Street and Patricia Lane and is shown on Assessor's Map #43 as Lot #90, being 20 Dubois Street and located in an R-1/3 (residential) Zone.

ON JUNE 17, 2020 THE ZBA GRANTED WITH STIPULATIONS a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 10.5 in lieu of 30.0 feet minimum required Patricia Lane front yard setback; in accordance with the plans submitted to and reviewed by the Board; SUBJECT TO THE FOLLOWING STIPULATIONS:

1. Prior to the issuance of a Zoning Permit for the project construction the applicant shall verify the existing structure preservation commitments made at the ZBA Public Hearing. Significant segments of the existing structure shall be preserved including a majority of the existing foundation, first floor deck, and first floor perimeter walls. Any problem conforming with any part of this requirement shall be immediately brought to the attention of Zoning staff. The ZBA will then be asked to reconsider the project circumstances and determine if any change to the project plans is necessary.
2. In order to provide a buffer to the Patricia Lane streetscape, prior to the issuance of a Zoning Permit for the project construction the applicant shall provide a Landscape Plan identifying significant tree preservation and planting in the space between the house and Patricia Lane. ZBA staff shall verify implementation of the Plan prior to issuance of a Certificate of Occupancy for the project construction.
3. Upon completion of the work and prior to the issuance of a Certificate of Occupancy for the project construction, Zoning staff shall inspect the property and the applicant shall provide a final as-built survey, professional certification letters, and/or photographs as necessary to verify that all construction/installation (including materials) has been completed in strict accordance with the specific ZBA reviewed and approved plans as amended above.

All ZBA decisions are Legally Noticed in a newspaper having substantial circulation in Darien. This Resolution shall become effective when the Legal Notice is published. Approvals are also recorded in the Darien Town Clerk's Office. This variance approval, if not acted upon by December 25, 2020 (within six months from its effective date), shall become null and void. By this date, the applicant and/or owner must obtain all other required permits and approvals and must begin on-site construction. An extension of this time period, to begin construction, may only be granted by the Zoning Board of Appeals upon written request from the applicant/owner.

Copies of the application materials, plans and public hearing minutes are on file in the office of the Darien Planning and Zoning Department, Room 211, Darien Town Hall.

BY: 
Mike Nedder, Chair
ZONING BOARD OF APPEALS