

## Eberhardt, Tamara

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**From:** Ifkovic, Diane <Diane.Ifkovic@ct.gov>  
**Sent:** Thursday, July 9, 2020 12:57 PM  
**To:** Woodside, Robert; Eberhardt, Tamara; Ginsberg, Jeremy  
**Subject:** Re: 40 Contentment Island Road: Referral Request

Woody, Tamara, Jeremy,

I have reviewed the materials provided to me for the ZBA application for **40 Contentment Island Road, Darien** (application, site plans, survey map). My comments focus on FEMA floodplain compliance (Section 820 Darien Zoning Regulations and associated definitions in Section 210) and not yard setbacks, which is also requested in the application.

The existing home is within flood zones VE14 and AE13. The existing sunroom is the only portion of the home that falls into the VE14 zone, however this brings the entire home into the VE14 zone for regulatory purposes as the most conservative zone applies. The remainder of the home is entirely in the AE13 flood zone. The home was built in 1952 but has had additions and renovations over the years.

The ZBA application focuses on the the proposed creation of a new front entry way, which includes a new powder room and staircase to a new second floor addition containing a master suite. It is stated that this project is not a substantial improvement. **However, all the proposed construction costs must added up to determine if a substantial improvement is occurring to the structure.** Based on the wording of the application, I am not sure that all the proposed construction costs have been taken into account in this determination. Based on the application description and plans, the proposed project includes, at a minimum:

- Modifying the existing sunroom roof
- Modifying the existing family room roof
- New second floor addition (master bedroom suite with bath, sauna, laundry and other amenities)
- Raising utilities onto an elevated platform
- Second floor balcony and walkway addition
- New entry way, powder room, foyer and staircase to second floor
- Extending the chimney
- New windows on the first floor
- Moving oil tanks and boiler

In Section 210 Definitions of Darien's zoning regulations, the definition of "Substantial Improvement" uses the "Market Value" of the structure, minus land value, and calculates improvements over a 3 year period. The definition of "Market Value" states that the town uses the latest tax assessment value to determine if a substantial improvement is occurring. Based on the online Darien tax assessor's information for this property, the assessment value of the structure, minus land value, on October 1, 2019 was \$671,440. This translates any project or group of projects costing \$335,720 or more would constitute a substantial improvement. If a substantial improvement is occurring, this would mean the whole structure would have to be brought up to compliance with VE zone standards. **Based on all the modifications and construction proposed above with this application, I would urge the town to confirm all costs and run a substantial improvement calculation before approving this project. The proposed project is quite extensive and may be over the 50% threshold value of \$335,720.**

The application states that utilities will be moved to a raised platform at elevation 13 feet to match the flood elevation (AE13). The State Building Code may require that the utilities be elevated to BFE+1ft, meaning 14 ft. I suggest checking with the local building official for requirements of the State Building Code for utilities in the floodplain. It is always wise to elevate utilities as high as possible above the flood elevation to save on repair costs and also keep utilities functional during a storm event.

Thanks you for the opportunity to comment on this application.  
diane

Diane S. Ifkovic  
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Hartford, CT 06106  
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**From:** Woodside, Robert <[rwoodside@darienct.gov](mailto:rwoodside@darienct.gov)>  
**Sent:** Thursday, July 9, 2020 9:41 AM  
**To:** Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>; Eberhardt, Tamara <[teberhardt@darienct.gov](mailto:teberhardt@darienct.gov)>  
**Subject:** RE: 40 Contentment Island Road: Referral Request

Terrific. Appreciate your help.

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**From:** Ifkovic, Diane [<mailto:Diane.Ifkovic@ct.gov>]  
**Sent:** Thursday, July 9, 2020 9:39 AM  
**To:** Woodside, Robert <[rwoodside@darienct.gov](mailto:rwoodside@darienct.gov)>; Eberhardt, Tamara <[teberhardt@darienct.gov](mailto:teberhardt@darienct.gov)>  
**Subject:** Re: 40 Contentment Island Road: Referral Request

Hi Woody,

You are in luck. I actually had to go into the office yesterday for a file review and I picked up the hard copy of the application you sent me. It is sitting here on my kitchen table. I was planning on reviewing it today. Give me a few hours, I will have comments by early afternoon.

diane

Diane S. Ifkovic  
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Hartford, CT 06106  
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**From:** Woodside, Robert <[rwoodside@darienct.gov](mailto:rwoodside@darienct.gov)>  
**Sent:** Thursday, July 9, 2020 8:47 AM  
**To:** Eberhardt, Tamara <[teberhardt@darienct.gov](mailto:teberhardt@darienct.gov)>; Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>  
**Subject:** RE: 40 Contentment Island Road: Referral Request

Diane,

Are you in your office nowadays?

Have you had time to review this application? Do you need more time?

I could still pass along your comments up to midday next Weds July 15. But they would be more useful for the owner and ZBA members to evaluate sooner. You know.

Woody

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**From:** Woodside, Robert

**Sent:** Monday, July 6, 2020 8:21 AM

**To:** Eberhardt, Tamara <[teberhardt@darienct.gov](mailto:teberhardt@darienct.gov)>; [diane.ifkovic@ct.gov](mailto:diane.ifkovic@ct.gov)

**Subject:** RE: 40 Contentment Island Road: Referral Request

Diane,

There's a lot going on with this application. The variance items requested are spelled out in Calendar No 12 on our attached Legal Notice. What's up is we want to distribute the application materials to our ZBA members this Thursday July 9 for the scheduled July 15 Public Hearing. And we'd like to include your referral comments if possible. If you need more time to respond, please let me know.

Thank you,

Robert Woodside

ZBA Staff

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**From:** Eberhardt, Tamara

**Sent:** Monday, July 6, 2020 7:52 AM

**To:** [diane.ifkovic@ct.gov](mailto:diane.ifkovic@ct.gov)

**Cc:** Woodside, Robert <[rwoodside@darienct.gov](mailto:rwoodside@darienct.gov)>

**Subject:** 40 Contentment Island Road: Referral Request

Dear Diane:

Please see attached submitted materials regarding 40 Contentment Island Road, Darien. A public hearing on this application has been scheduled for on or after July 15, 2020 at 7:00 p.m. in the Darien Town Hall and/or via GoToMeeting.

Please direct any questions or comments you may have on this application to Robert Woodside, copied here, by this Thursday, July 9, 2020. If you require additional information, please contact our office. A hard copy of these materials was mailed in late June.

Thank you,

Tamara Eberhardt

Office Administrator

Planning & Zoning Department

Town of Darien

(203) 656-7351