

**TOWN OF DARIEN  
ZONING BOARD OF APPEALS**



June 23, 2020

CERTIFIED MAIL

Dennis Peters, Designer  
D. Peters Designs, LLC  
73 Old Ridgefield Road  
Wilton, CT 06897

Re: Zoning Board of Appeals Application  
Calendar No. 13-2020  
Public Hearing of July 15, 2020  
Property of Ambleside, LLC- Christopher & Christine Barkley  
5 North Road, Darien

Dear Mr. Peters,

Your application to the Darien Zoning Board of Appeals (ZBA) has been scheduled for a **Public Hearing on Wednesday, July 15, 2020 at 7:00pm via GoToMeeting** as noted in the enclosed Legal Notice. **A login number will be provided to both you and the general public a few days prior to the meeting via the Town of Darien website.**

Your hearing will be in chronological order with others based as much as possible on the date and time of the complete application submittal. **You need to be prepared to proceed at the GoToMeeting by 7:00pm**, regardless of the order of your hearing on the Legal Notice and Meeting Agenda. The Chair will begin with significant instructions about how the meeting will be conducted and there may be a postponement or other changes to the order of the hearings.

**Please read this letter completely and carefully. Follow all of the enclosed instructions in order to proceed to a legal Public Hearing of your application.** This requires you to complete a detailed process. Many applicants have failed to properly complete these requirements, resulting in delay to a subsequent meeting. If necessary, assign this task to a methodical, organized person or ask someone to double check your effort.

**NOTIFYING PROPERTY OWNERS WITHIN 100 FEET OF THE PROPERTY**

In accordance with Connecticut Statute 8-7d, ZBA staff is in the process of arranging for newspaper publication of the meeting Legal Notice including your application. You are now required to individually notify neighboring property owners of your application in accordance with Section 1127 of the Darien Zoning Regulations as follows: **“Not less than ten (10) days nor more than**

twenty (20) days prior to the applicant's scheduled public hearing, the applicant, or their legal representative, shall mail notification of their application, including "Item K" of the text of the application and the scheduled date, time and place of the hearing, to the owners of each parcel or property within 100 feet of the perimeter of the subject property. This would include the owner of each condominium if any portion of such property is within 100 feet or less of the condominium association property. The owners and their addresses shall be determined from the latest real estate list of the Town in the Assessor's Office."

**Your mailing must be done between Thursday, June 25, 2020 (20 days prior to your hearing) and Friday, July 3, 2020 (12 days prior).** In this case the statutory deadline of 10 days prior to the hearing falls on Sunday and Saturday is a holiday when the Post Office is obviously closed; therefore the mailing must be done by Friday. Monday is too late.

A notification letter specifically addressed to each owner (not tenant) must include a clear advisory of the proposal and the requested appeal, interpretation, or variance of the Zoning Regulations. **The letter must clearly state that "A Public Hearing for this matter has been scheduled for 7:00 P.M. via GoToMeeting on Wednesday, July 15, 2020."** In addition to the Item K, please enclose a copy of the Legal Notice of your request (enclosed). Please advise the neighbors that the complete application materials **may be viewed at [www.darienct.gov/zbapendingapplications](http://www.darienct.gov/zbapendingapplications).** You might want to also include a phone number and an invitation for the neighbors to contact you with any detailed questions.

**Our office is providing you with the attached mailing list that you should use for the required mailings. Be sure to use the address located under the "OWNER ADDRESS" column for the property mailing addresses, as the mailing address can differ from the property/site address.** Be aware that any error of owner name or address, including Zip Code will nullify a mailing. **NOTE: As a result of the COVID-19 pandemic, a recent order from the Governor allows the mailings to be done by regular mail, rather than requiring certificates of mailing.**

**Failure to properly notify all applicable property owners will result in an automatic postponement of your Public Hearing to the following months meeting.** Therefore, the following part of the process is essential and is outlined in order to help you obtain the specific information necessary for you to correctly notify the neighboring owners within 100 feet of your property and successfully complete this process. Please consult the Neighbor Notification Process enclosure for step by step instructions.

**If it is determined that your mailing is incomplete or improper, the Public Hearing of your application will be postponed to a later date.** You would then have to properly re-notify your neighbors of the later hearing date.

## **FINAL PREPARATIONS FOR HEARING**

"The applicant, or his legal representative, shall submit evidence of the required mailing in the form of date stamped US Postal Service Certificates of Mailing, a list showing the names and addresses of the owners of all such properties, and a copy of the notification (including attachments) which was mailed" (Section 1127). A complete mailing sample (every item mailed) must be

submitted to the Planning & Zoning Office, as well as the original (white slips) Certificates of Mailing and neighbor list.

**By July 1, 2020 (two weeks prior to the Public Hearing), please submit to the Planning and Zoning Office via mail, or our drop-box located outside of Room 119 of the Darien Town Hall a complete proof of mailing sample which includes:**

- a copy of one (1) of the letters sent to the property owners within 100 feet; and
- the enclosure which was sent to them including a copy of the Item K, and
- a copy of the Legal Notice; and
- a list of those property owners within 100 feet.
- As a result of the COVID-19 pandemic, a recent order from the Governor allows the mailings to be done by regular mail, rather than requiring certificates of mailing. **Therefore, as proof of mailing, you have the option to provide the Planning and Zoning Office with either: a copy of each individual envelope mailed to the property owners within 100 feet OR the original (white slips) Certificates of mailing.**

ZBA Staff will check your evidence of the required mailing, to verify that the applicable neighbors have been properly notified. In the event there has been an error, you will still have time to rectify such error with an additional mailing by the Saturday deadline. You will need to submit additional proof of mailing for the correction. If you do not provide the proof of mailings to ZBA Staff at least one week prior to the meeting, your Hearing will be placed at the end of the agenda, or postponed if necessary.

If you have been unable to properly do the mailings your hearing will be automatically postponed to the following month's meeting. No exceptional arrangements can be made. You will then be charged an additional fee to cover the cost of additional legal notice newspaper publications for the later hearing date. Subsequently, we will send you a new certified notification of public hearing letter with a new neighbor notification time table.

**All relevant materials should be included with your application.** You should provide a minimum of additional documents, plans, and surplus information at the Hearing. Your property and your application are inherently unique. Therefore, copies of other project decisions are essentially irrelevant. If background Zoning history or chain of title information is important, it should have been submitted with the original application. If significant additional materials are submitted, the ZBA will probably continue your Hearing to a subsequent meeting in order to properly consider the information.

### **OTHER PRE-HEARING INFORMATION**

Be aware that ZBA Staff and ZBA members will observe the subject property. That may be during evening or weekend hours. A detailed inspection may include notes and photographs. Therefore **the property line survey markings, as determined in the preapplication meeting with ZBA staff, need to be properly installed by the project surveyor at this time.** ZBA members, neighbors, as well as the subject property owner need to know just where the relevant to the application property lines are. **It is very important that the ZBA understand how your proposal relates to neighboring properties, as well as your own property boundaries.** It will not be

necessary to enter any structures. However, it may be necessary to observe any proposed expansion from the perspective of a neighboring property, which may be affected. Common courtesy is observed by knocking first and asking permission from neighbors. As the applicant you should have already spoken to the most affected neighbors. **Please advise your property residents/tenants as well as neighbors of the likelihood of site inspections relative to your request.**

A compilation map of the subject property and adjacent property may be assembled by ZBA Staff utilizing the application plans, inspection notes, other available surveys or aerial photographs. Critical features may be noted such as existing structures and outdoor activity areas. Good quality landscape buffering fences or evergreen trees may also be identified. Generally, ZBA Staff will prepare a few key questions/observations for the Board's consideration. You may review this staff report information the day before the meeting.

The Board may have significant other business to attend to in addition to the Public Hearings. Although changes may occur, generally the Agenda is finalized the Monday afternoon before the meeting and may be reviewed in the Planning & Zoning Office or on the Zoning Board of Appeals website at <http://www.darienct.gov/zba>. It will also be posted on the meeting room door the night of the meeting. You may withdraw your application, postpone your Hearing, or arrange to open and continue it, by writing to ZBA Staff up until the time of the Hearing.

### **TIPS FOR YOUR PUBLIC HEARING PRESENTATION**

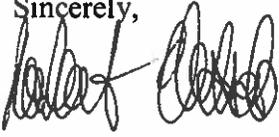
Significant advice is provided on a separate enclosure. During the COVID-19 risk period, the ZBA is conducting virtual GoToMeetings. You will have to provide a PowerPoint of the significant plans. You will need to plan a clear presentation utilizing the cursor. A Planning & Zoning Department colleague will receive your PowerPoint and provide a practice session prior to the hearing.

### **ZBA DELIBERATION & DECISION**

Deliberations usually occur after all the scheduled hearings are closed. You are welcome to remain in the meeting room to silently observe the Board's subsequent deliberation of your request. However, since the hearing is closed, you will no longer be permitted to speak or provide testimony. Connecticut State Statutes allow up to 65 days for the ZBA to make a decision after closing the public hearing. Be aware that 4 affirmative votes out of the 5 voting members are required to vary the Darien Zoning Regulations and approve a proposal. The ZBA will make an effort to decide your application on the same evening as your Hearing, although it is possible for the deliberation to be continued to a later date, particularly with complicated matters. Generally meetings will conclude by 11:00 PM. The Deliberation 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. If you prefer, you can call the Planning & Zoning Office the day after your hearing to learn the decision, which may have been made.

Thank you for your patience and cooperation. If you have any questions, please feel free to contact me or Tamara at 203-656-7351.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Woodside', written in a cursive style.

Robert Woodside,  
Code Compliance Officer  
ZBA Staff

cc: Ambleside, LLC, c/o Christopher & Christine Barkley, 5 North Road, Darien

Enclosures

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals (ZBA) of the Town of Darien, Connecticut will meet in Public Meeting Room 206 (or via Go To Meeting if necessary) of the Darien Town Hall, 2 Renshaw Road at 7:00 P.M. on Wednesday, July 15, 2020 or any adjournment or adjournments thereof, to conduct Public Hearings and/or act on the following:

**CALENDAR NO. 11-2020** The application of Ted & Beth Bonanno submitted on June 17, 2020 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 33.0 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the east side of Outlook Drive at the intersection of Boston Post Road and is shown on Assessor's Map #52 as Lot #58, being 3 Outlook Drive and located in an R-1/2 (residential) Zone.

**CALENDAR NO. 12-2020** The application of Christopher Pagliaro Architects on behalf of Samuel B. Fuller submitted on June 17, 2020 for variances of Sections 825f and 406 of the Darien Zoning Regulations, to allow the construction of a foyer/powder room/staircase, raised equipment platform, reconstructed sunroom, and second floor balcony/walkway additions; Section 825f: 13.0 in lieu of 16.0 feet minimum required floor elevation for the foyer/powder room; 9.8 in lieu of 16.0 feet minimum required floor elevation for the lower staircase; and Section 406: 12.0 in lieu of 25.0 feet minimum required side yard setback for the raised equipment platform, 12'± in lieu of 40.0 feet minimum required rear yard setback for the reconstructed sunroom, and 31'± in lieu of 40.0 feet minimum required rear yard setback for the balcony/walkway. The property is situated on the west side of Contentment Island Road approximately 1,000 feet south of Shennamere Road and is shown on Assessor's Map #68 as Lot #27 being 40 Contentment Island Road and located in an R-1 (residential) Zone.

**CALENDAR NO. 13-2020** The application of Dennis Peters – designer and D. Peters Designs, LLC on behalf of Christopher & Christine Barkley submitted on June 17, 2020 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of an attic story dormer addition; Section 406: 50.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of North Road. The property is situated on the northwest side of North Road approximately 450 feet northeast of Butler's Island Road and is shown on Assessor's Map #67 as Lot #71 being 5 North Road and located in an R-1 (residential) Zone.

**Plans and related application materials may be viewed at [www.darienct.gov/zbapendingapplications](http://www.darienct.gov/zbapendingapplications). At the Public Hearing, interested persons may be heard and written communication may be received.**

Mike Nedder, Chair  
7/2 & 7/9

ID	Site Address	Owner Name	Co-Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Map	Lot
04461	7 NORTH ROAD	WILKINS JAY &	WILKINS MCCARTNEY J	40 EAST 88TH STREET	NEW YORK	NY	10128		
04463	15 BUTLERS ISLAND ROAD	GALIK MILAN &	GALIK DIANA MIKKIDOU	15 BUTLERS ISLAND ROAD	DARIEN	CT	06820		
05108	3 NORTH ROAD	SCHLINKERT LEO R &	SCHLINKERT DIANE D	3 NORTH ROAD	DARIEN	CT	06820		
08264	10 NORTH ROAD	DONAGHY PATRICK		10 NORTH ROAD	DARIEN	CT	06820		
09157	8 NORTH ROAD	DRIMAL SANDRA C		8 NORTH ROAD	DARIEN	CT	06820		

5 north road  
verified 6/22/20

raised by such appeal before acting upon the variance application in accordance with C.G.S. Section 8-6a.

- g. If the Zoning Board of Appeals elects not to accept, process or approve an application under this Section, it shall forward notice of such decision to the applicant and shall also cause notice of such decision to be published in a newspaper of local circulation in accordance with the General Statutes.

*[Amended 7/22/2001]*

1126. General Rules

- a. Appeals to the ZBA from an order, requirement, decision or determination made by an administrative official or the Commission shall be made within 30 days from the date of the receipt of the order, requirement, publication of decision or determination.  
*[Amended 7/22/2007]*
- b. Applications or appeals to the ZBA shall be made on the form furnished by the ZBA and shall be accompanied by updated survey plans, building plans, materials, and other information as determined by the ZBA.  
*[Amended 12/29/2013]*
- c. The ZBA shall establish a schedule of fees necessary for the processing of hearings. (See Appendix B.)
- d. If a request for postponement of a hearing shall be made after publication of a public notice in a newspaper, it shall be treated as a new application including all costs.
- e. Applications denied shall not be heard by the ZBA again until six (6) months after the denial or until the circumstances of the application have substantially changed.  
*[Amended 12/29/2013]*
- f. Each regulation or rule and each amendment or repeal thereof and each order of the ZBA shall be filed in the office of the ZBA and shall be a public record.

1127. Notification

Not less than ten (10) days nor more than twenty (20) days prior to the applicant's scheduled public hearing, the applicant, or his legal representative, shall mail notification of his application, including paragraph "K" of the text of the application and the scheduled date, time and place of the hearing, to the owners of each parcel or property within 100 feet of the perimeter of the subject property. This would include the owner of each condominium if any portion of subject property is within 100 feet or less of the condominium association property.

The owners and their addresses shall be determined from the latest real estate list of the Town in the Tax Assessor's Office. At least one week prior to the public hearing, the applicant, or his legal representative, shall submit evidence of the required mailing in the form of date stamped U. S. Postal Service Certificates of Mailing, a list showing the names and addresses of the owners of all such properties, and a copy of the notification (including attachments) which was mailed.

*[Amended 7/22/2001; 12/29/2013]*

# Neighbor Notification Process

## **STEP 1 – Get the list of abutting property owners**

Go to: <https://darienct.mapgeo.io/>

Search by the subject property address.

Make sure you're getting abutters for 100 feet of the subject property.

Print the map with abutters outlined.

Print the spreadsheet from Excel

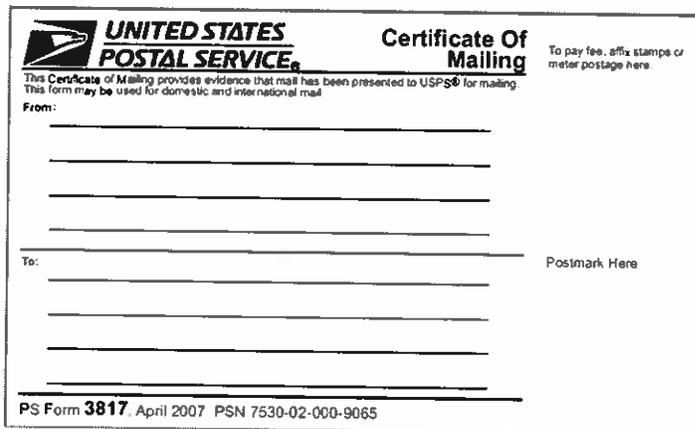
## **STEP 2 – Verify property ownership with the Darien Assessor's Office**

## **STEP 3 – Mail to Abutters by Certificate of Mailing**

Mail to each abutter:

1. Cover letter (stating date, time, location of meeting)
2. Legal Notice
3. Item K
4. Any plans/description information is optional

Mail by Certificate of Mailing (white slip, see below)



The image shows a USPS Certificate of Mailing form. At the top left is the United States Postal Service logo. To its right, the text reads "UNITED STATES POSTAL SERVICE" and "Certificate Of Mailing". Further right, it says "To pay fee, affix stamps or meter postage here." Below this, a small note states: "This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail." The form has a "From:" field with four horizontal lines for an address. Below that is a "To:" field with four horizontal lines for a recipient address. To the right of the "To:" field is a "Postmark Here" label. At the bottom left, it says "PS Form 3817, April 2007 PSN 7530-02-000-9065".

## **STEP 4 – bring materials to Planning & Zoning Office**

Two weeks before your public hearing, please bring the following to the office:

- a complete copy of materials mailed (cover letter, legal, Item K, etc.)
- original Certificate of Mailing slips
- property map
- abutters list (with any corrections noted)

## ***Tips for your Zoning Board of Appeals Public Hearing Presentation***

The ZBA members seated for your Hearing will have previously reviewed your application materials and observed your property.

**We suggest that you plan a 10 minute maximum presentation** (a timer may be used). If your project is complicated and additional time is essential, please advise the Chair at the beginning of your Hearing how long you will need. The Board will try to accommodate you, but your Hearing might be continued until later in the meeting or even to a later date. There must be adequate time for questions, answers, and public comments from other interested parties.

**Please prepare and rehearse an efficient presentation.** It should **focus on** the *special circumstances or unusual conditions* of the property, which constitute a **legal, Zoning hardship**. Be prepared to clearly show how this hardship makes it impossible to conform with the Zoning Regulations. Convenience, personal, or financial circumstances **do not** constitute a legal hardship-**don't waste time.**

**You must prove that the project is essential** for substantial justice in the use of the property. Lots of things might be nice to have, but variances are only granted for necessities. Many requests are denied because the owner's vision of the property simply exceeds its natural capacity.

**You must demonstrate that the plan is for the minimum adjustment necessary.** Be prepared to **explain why the project cannot be reduced in size or relocated** to more nearly conform with the Regulations. Show what building or landscape measures you would take to possibly reduce the impact to neighboring properties.

**We suggest that you prepare display boards with color highlighted plans and large scale photos to facilitate a quick understanding of your proposal.** An easel and podium will be available for your use. Plan on effectively utilizing your pointer to note important plan details. Foam boards (available in the Planning & Zoning Office) and binder clips work great. **All display materials must remain in the meeting room** as part of the record and for the ZBA to utilize during their subsequent deliberation. Please lean them against the meeting room window wall. Do not utilize displays which cannot be left behind. Keep copies of any materials you wish to reuse.

**Be aware that the Hearing must be tape recorded** and therefore all comments must be made near the microphones and every speaker must first identify themselves. If others will be assisting with your presentation, or speaking on your behalf, please advise them to be concise and only speak near the podium.

**Relevant information is helpful** but repetitive comments do not strengthen your case. Most affected neighbor comments are useful in the ZBA's evaluation of your request and its potential "fit" among the other immediate properties. However, **greater neighborhood comment/petitions/form letters are not very useful.**

**All relevant materials should have been included with your application.** You should provide a minimum of additional documents, plans, and surplus information at the Hearing. Your property and your application are inherently unique. Therefore, copies of other project decisions are essentially irrelevant. If background Zoning history or chain of title information is important, it should have been submitted with the original application. If significant additional materials are submitted, the ZBA will probably continue your Hearing to a subsequent meeting in order to properly consider the information. **ZBA members, Staff, neighbors and other interested parties are all entitled to an adequate and equal opportunity to review and comment on the entire application record.**