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Also admitted in MI\*\*

September 23, 2020

**VIA FEDERAL EXPRESS**

Timothy Bunting, CZEO  
Wilton Zoning Board of Appeals  
238 Danbury Road  
Wilton, CT 06897

Re: 157 Cheese Spring Road – CBA Appeal

Dear Mr. Bunting:

Enclosed please find an original plus ten (10) copies of the Notice of Appeal and supporting documents in the above-referenced matter. Also enclosed, please find our check #8229 in the amount of \$310.00 payable to the Town of Wilton for the filing fees in accordance with the same.

Very truly yours,



Edward N. Lerner

ENL/mbi  
Enclosures

RECEIVED  
SEP 24 2020  
PLANNING & ZONING

## WILTON ZONING BOARD OF APPEALS

## NOTICE OF APPEAL

ZBA#

A notice of appeal shall be in accordance with Section 29-13.B. of the Wilton Zoning Regulations and Chapter 124, Section 8-6 of the General Statutes of Connecticut.

All appeals to the Zoning Board of Appeals (ZBA) from an order, requirement, decision or determination of the Zoning Enforcement Officer (ZEO) shall be taken within 30 days of same

No question of hardship shall be involved in such appeal, and the action of the ZBA is limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of the Zoning Regulations.

Please TYPE or print clearly...

Edward & Mary Jayne Wilson c/o Edward N. Lerner - See attached

APPELLANT'S NAME

ADDRESS

Edward & Mary Jayne Wilson c/o Edward N. Lerner - See attached

OWNER'S NAME

ADDRESS

157 Cheese Spring Road Wilton, CT

R-2A

PROPERTY LOCATION

ZONING DISTRICT

1223 248 286

WLR MAP #

VOLUME

PAGE

TAX MAP #

LOT #

ACREAGE

Please state concisely the alleged error in the order, requirement, decision or determination of the ZEO from which this appeal is taken. Attach a copy of said order, etc. Explain why the order, requirement, decision is appealed.

PLEASE SUBMIT TEN (10) COLLATED COPIES. (ATTACH SEPARATE SHEETS, if required.)  
ALSO REMIT \$310 FEE PAYABLE TO: Town of Wilton

please see the attached documents

THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his or her knowledge and belief; and hereby grants visitation and inspection of the subject property as described herein.

APPELLANT'S SIGNATURE Edward N. Lerner

TELEPHONE

203-817-0850

OWNER'S SIGNATURE Edward N. Lerner

TELEPHONE

203-817-0850

Attorney for Appellants/owners

## **Continued information for Notice of Appeal**

**Appellants:** Edward Wilson & Mary Jayne Wilson  
c/o Edward N. Lerner, Esq.  
Lerner & Guarino, LLC  
8 Wright Street, 2<sup>nd</sup> Floor  
Westport, CT 06880

**Owners:** Edward Wilson & Mary Jayne Wilson  
c/o Edward N. Lerner, Esq.  
Lerner & Guarino, LLC  
8 Wright Street, 2<sup>nd</sup> Floor  
Westport, CT 06880

### **Explanation for Appeal:**

Appellants/Owners are not operating the alleged activity on the property. It is being operated by a tenant. Due to the present legal limitations imposed by the State of Connecticut regarding evicting a tenant the Appellants/Owners are unable to take legal action to remedy the situation. Therefore, the Owners should not be penalized in any manner.



PLANNING & ZONING  
COMMISSION  
Telephone (203) 563-0185  
Fax (203) 563-0284



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**CEASE AND DESIST ORDER**  
**Zoning Enforcement**

CASE # 2020-00000009

TO: WILSON EDWARD & MARY JAYNE

DATE: August 28, 2020

**MAILING ADDRESS:** 12 PLEASANT STREET, DARIEN, CT 06820-5129

Pursuant to the authority vested in me by the Zoning Regulations of the Town of Wilton, Connecticut, you are hereby ordered and directed within ten (10) days of the date hereof, to discontinue and/or remedy the violations and conditions on or in premises identified as:

157 CHEESE SPRING RD / Parcel Number: 116-9-0-0

Zone: R-2A

**PROPERTY OWNER(S):** WILSON EDWARD & MARY JAYNE


**PROPERTY ADDRESS:** 157 CHEESE SPRING RD, Wilton, CT, owned and/or occupied by you, which is in violation of the said Zoning Regulations of the Town of Wilton, Connecticut

An investigation of the subject premises by this office discloses that the following conditions presently exist:

A dog daycare/kennel is operating at this address. Dogs are brought to the property to be kept/boarded and/or trained then returned to their owners. This is not a permitted use in the R-2A zoning district.

These conditions violate Section(s) 29-5. A.2., 29-5. A. 3. & 29-12. D.1. of the Zoning Regulations of the Town of Wilton.

Your immediate attention to this matter is hereby advised and directed.

  
Zoning Enforcement Officer

c: Town Counsel

**Note:** A further inspection will be made of the subject premises after ten (10) days and, if compliance is not established, the full penalties by law and as set forth below will be invoked. You may consult the Zoning Enforcement Officer if there is any question as to the manner and time of establishing compliance.

**Right to Appeal:** Pursuant to Sec. 8-7 of the Connecticut General Statutes, you have the right to appeal this order to the Zoning Board of Appeals of the Town of Wilton by filing an appeal within thirty (30) days of the date of issuance of this order with the Zoning Enforcement Officer, Planning and Zoning Department, Wilton Town Hall, 238 Danbury Road, Wilton, Connecticut, 06897. Appeal forms are available in the office of the Planning and Zoning Department.

**Penalties for Violation:** Sec. 8-12 of the Connecticut General Statutes provided in pertinent part:

A. The owner or agent of any building or premises where a violation of provisions of such regulations or orders shall be committed or shall exist or the lessee or tenant of a building or entire premises where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation shall exist, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each day that such violation shall continue. If such offense shall be willful, the person convicted thereof shall be fined not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00) for each day that such violation shall continue, or imprisoned not more than ten (10) days for each day that such violation shall continue, or both. The Superior Court shall have jurisdiction of all such offenses, subject to appeal.

B. Any person who, having been served with an order to discontinue any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of said Zoning Regulations specified in such order, shall be subject to a civil penalty of two thousand five hundred dollars (\$2,500.00), payable to the treasurer of the Town of Wilton.

Certified Mail # 7019 0140 0000 5355 5896 & Regular Mail