

WILTON ZONING BOARD OF APPEALS - RESIDENTIAL VARIANCE APPLICATION - ZBA#

Please consult the Zoning Regulations when applying for a variance, particularly Section 29-13.

Please TYPE or print clearly... (See last 2 pages for brief explanation.)

Katrina Rusin	30 Hollow Tree Place, Wilton, CT 069897				
APPLICANT'S NAME	ADDRESS				
Thomas & Katrina Rusin	30 Hollow Tree Place, Wilton, CT 06897				
OWNER'S NAME	ADDRESS				
30 Hollow Tree Place, Wilton, CT 06897	R2A				
PROPERTY LOCATION	ZONING DISTRICT				
3724	1701	336	128-28	3	1.44
WLR MAP#	VOLUME	PAGE	TAX MAP #	LOT #	ACREAGE

VARIANCE DESCRIPTION:

Requesting a variance of Section 29-4.D.1.g – Minimum Lot Size and Yard Requirements – 2 acres required, 1.446 acres provided

HARDSHIP DESCRIPTION:

We wanted to build a detached garage with a bedroom above for our oldest son, and then eventually one of our elderly parents who will likely need care soon. (Now 82 and 83 and finding it difficult to live on their own.) We didn't want to build it if we were not going to be able to have a bath with a shower. If we couldn't do the full bath we would have sold and moved. However, as you know, a homeowner can't get a permit without plans. But since we were going with a structure built off-site, we couldn't get plans from the company without signing a contract and paying a non-refundable \$15,000.00 deposit first!

So, we spent significant time with planning and zoning, health, erosion, and wetlands before purchasing the plans. We spent thousands on a survey and a B-100 all to confirm the bathroom with shower would be ok. While we fully appreciate that final approval is only possible once plans are submitted, in every case we received a verbal, "you should be fine." So, we signed the contract, and paid not only for the plans but an additional \$30K to try and accelerate construction to beat the winter. (This was all in the fall.)

It was after all that in a conversation with Tim Bunting we were told, "Oh wait, you're in a conservation zone, you can't have a shower." He was very frank and presented the "finding" to be helpful, but at that point the deposits we paid were largely non-refundable and we had done all the septic tests and had health approvals for a full bath, so we decided to go forward with the garage and apply for a variance for the shower. We have a building permit for the garage and it has been built. Electrical is signed off and we are up to the plumbing and if we are able to obtain the variance would rather just complete it with the full bath. If we can't obtain the variance, we will finish the approved structure with the half-bath and then have to move.

From a foot-print perspective, a septic perspective, an exterior elevation perspective, a floor plan perspective, and an environmental perspective, there is nothing different about what has already been built and approved than what will be here if we get the variance. The only difference will be whether or not the building has a shower.

Further more we are being placed under a hardship in comparison with other Wilton land owners. Our deed is for the 1.446 acres *and* 1/5th of the Swamp Hollow Conservation land which is 6.398 acres. The two together is 2.725 acres. In comparison to other Wilton residents, if our 2.725 acres was contiguous, the shower would be fine. So, given there is nothing different about the structure nor the environmental impact, this seems like we are being denied appropriate use of our land in comparison to other residents, which seems unfair and quite a hardship.

Specifically, CGS § 8-6 allows ZBAs to grant variances from zoning bylaws, ordinances, or regulations with respect to a parcel of land when “owing to conditions especially affecting such parcel but not affecting generally the [zoning] district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship.” MBL 128-28-3 is being placed under an unusual hardship that does not affect the other properties in the same zoning district. Despite collectively owning 2.7256 acres of land, with the 1/5th ownership of Swamp Hollow Conservation Corp, we are being deprived of our land’s and usage. A similar property with *less acreage* in the same R2A zone would be fully allowed the shower above the garage. Additionally, since there is NO change to the footprint, NO change to the external appearance, NO change to the septic, NO incremental impact to the environment , and the building ALREADY EXISTS we are being placed under an unusual hardship that does not apply to other homes under the same R2A zoning.

Additionally, while we understand financial impact is not a hardship we did spent significant time, effort and money with the town, (building, wetlands, erosion), as well as surveyors, and septic engineers, ensuring that the bathroom was possible, before contracting with a builder.

THE FOLLOWING MATERIAL SHALL BE ATTACHED: (see last 2 pages for brief explanation)

All submitted plans and documents shall bear the signature, seal and license number, as appropriate, of the professional responsible for preparing each item.

All plans shall be collated into sets (either clipped or stapled), with maps folded (not rolled).

SUBMIT TEN (10) **COLLATED** SETS (INCLUDING 1 ORIGINAL SET) OF THE FOLLOWING DOCUMENTS:

- X APPLICATION FORM
- X LIST OF OWNERS WITHIN 500' of the subject property as shown by Tax Map & Lot#.
- X A-2 SURVEY of the subject property showing all existing building and site conditions.
- X SITE DEVELOPMENT PLAN showing all proposed additions, amendments and/or site improvements, including building elevations, septic systems, wells, and all measurements pertaining to the application, such as location and distance(s) of proposed structures and/or improvements from the subject property lines.
- X LOCATION MAP at a scale of 1"=800' or less. Said map shall identify the site location and shall show the surrounding area and streets.
- X DIRECTIONS to subject property from Town Hall, 238 Danbury Road, Wilton, CT (e.g. hand-written, computer-generated or similar).
- none LIST OF PREVIOUS ZONING VARIANCES describing any variances and the action taken.
- X PHOTOGRAPHS of property showing building and site conditions from all geographic perspectives.

ALSO SUBMIT:

- X ONE COPY OF DEED INCLUDED WITH ORIGINAL SET ONLY (Obtain in Town Clerk's Office)
- mailed ENVELOPES, addressed to each property owner within 500' (see "Envelopes Instructions" online)
- X **ELECTRONIC EMAILED SUBMISSION** of all materials (Consolidated into 1-2 PDFs Maximum)
- done TWO #10 (4"x 9.5") PLAIN ENVELOPES addressed to the applicant (No Return Address)
- done \$310 FILING FEE payable to: Town of Wilton

IS THE SUBJECT PROPERTY LOCATED WITHIN 500 FEET OF THE MUNICIPAL BORDER? NO

IS THE SUBJECT PROPERTY LOCATED WITHIN THE PUBLIC WATER SUPPLY WATERSHED BOUNDARY?
NO [If YES, contact Planning & Zoning Dept for DPH Addendum Form.]

IS THE SUBJECT PROPERTY LOCATED IN THE FLOOD PLAIN? NO

WHEN WAS THE SUBJECT PROPERTY PURCHASED? 2004

IN WHAT YEAR WAS THE MAIN STRUCTURE CONSTRUCTED? 1980

SITE COVERAGE PROPOSED: 14.7
(AS PERCENTAGE OF SITE)

BUILDING COVERAGE PROPOSED: 6.9
(AS PERCENTAGE OF SITE)

THE APPLICANT understands that this application is to be considered complete only when all information and documents required by the Board have been submitted.
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.

APPLICANT'S SIGNATURE

DATE

EMAIL ADDRESS

TELEPHONE



4/23/21

therusins@yahoo.com

203-246-2677

OWNER'S SIGNATURE

DATE

EMAIL ADDRESS

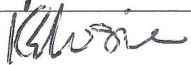
TELEPHONE



4/23/21

Tom.rusin1@gmail.com

203-912-4167



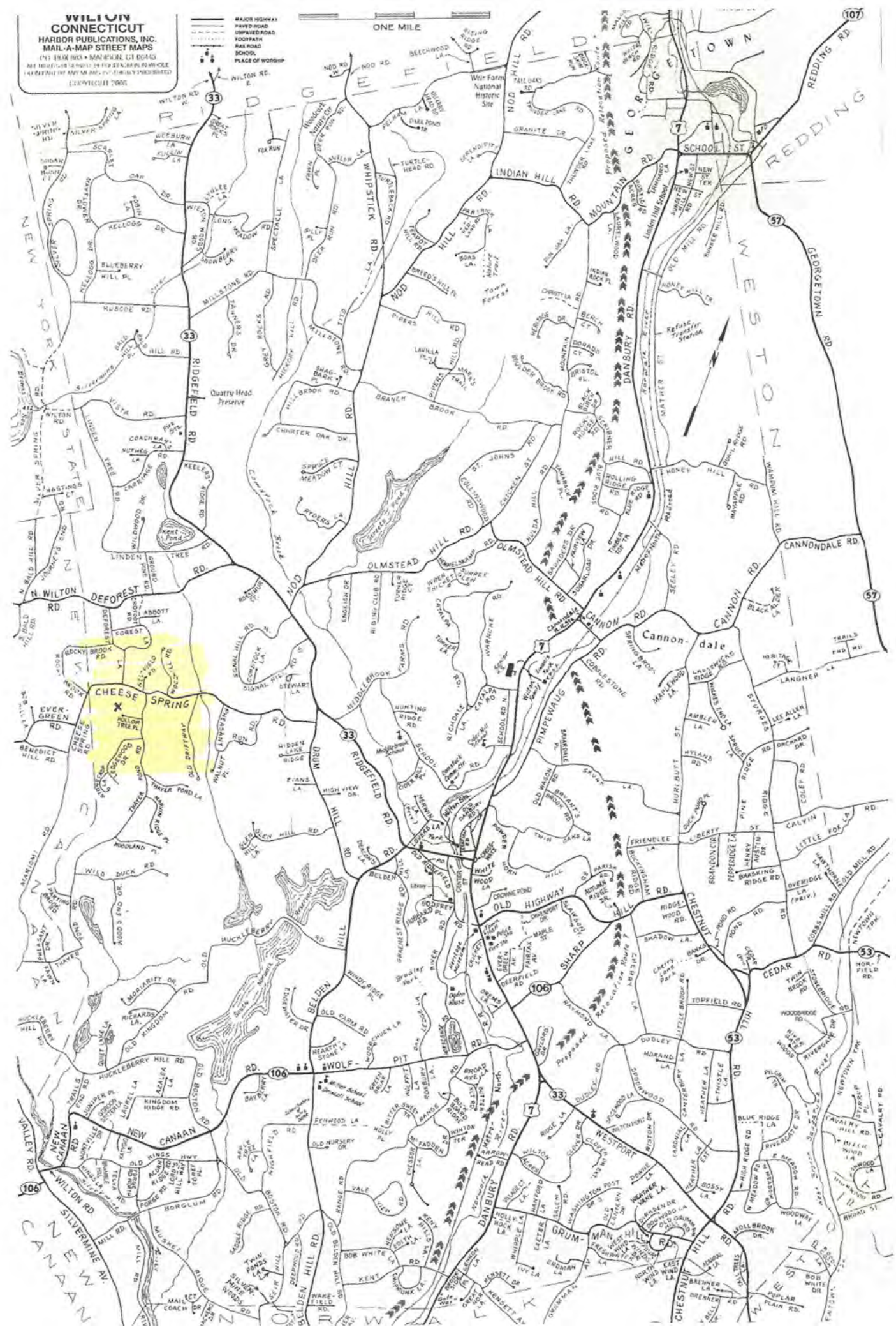
4/23/21

therusins@yahoo.com

128-2	128-6-1	128-6-2
KNAPP ALAN & DORIS	BABASHAK KARA L & JAMES E	CARROLL MICHAEL C & ELENA
264 CHEESE SPRING RD	12 DEFOREST LA	232 CHEESE SPRING RD
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-24	128-25	128-26
KROPF JOSEPH	FITZGERALD KENYON BAILEY JR	MCELROY MICHAEL & ANDREA
26 LEDGEWOOD DR	20 LEDGEWOOD DR	16 LEDGEWOOD DR
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-28	128-28-1	128-28-2
BI SEAN ZHENGYU &	WOODS JAMES F & NANCY T	MOLONEY MARIE &
7 HOLLOW TREE PL	2 HOLLOW TREE PL	24 HOLLOW TREE PL
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-28-3	128-28-4	128-29
RUSIN THOMAS J & KATRINA E	VAUGHN MEGAN A	WILSON EDWARD T & SUSAN B
30 HOLLOW TREE PL	31 HOLLOW TREE PL	500 THAYER POND RD
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-30	128-31	128-32
DOOLEY GREGORY KEVIN & JENNIFER	DAHM FRANK C & BARBARA	KISTINGER ANNE T TRUSTEE
502 THAYER POND RD	225 CHEESE SPRING RD	235 CHEESE SPRING RD
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-33	128-34	128-35
FERRANTE MARIO V & ANDREA C	MOISIO COLLEEN & MICHAEL H JR	MORAN FREDERICK M & DEBORA
243 CHEESE SPRING RD	255 CHEESE SPRING RD	263 CHEESE SPRING RD
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-36	128-37	128-38
ROTHMAN ARI S & ANITA O	POULTNEY JOAN M	PERNA JAMES H & LYNN A
269 CHEESE SPRING RD	279 CHEESE SPRING RD	281 CHEESE SPRING RD
WILTON CT 06897	WILTON CT 06897	WILTON CT 06897
128-39	128-40	128-41-1
SHUTSIKAU MIKALAI &	VALASSIS STEVEN & ANASTASIA	LANGELAND DAWN M
285 CHEESE SPRING RD	767 CHEESE SPRING RD	35 HOLLOW TREE PL
WILTON CT 06897	NEW CANAAN CT 06840	WILTON CT 06897

MAJOR HIGHWAY
PAVED ROAD
UNPAVED ROAD
FOOTPATH
RAILROAD
SCHOOL
PLACE OF WORSHIP

ONE MILE



Google Maps

wilton town hall to 30 Hollow Tree Place, Wilton, CT

Drive 3.2 miles, 8 min



WILTON TOWN HALL

238 Danbury Rd, Wilton, CT 06897

Take Cricket Ln to US-7 N


1. Head northwest toward Cricket Ln
21 s (282 ft)
2. Turn left onto Cricket Ln
131 ft
- 151 ft

Take CT-33 N and Cheese Spring Rd to Thayer Pond Rd


3. Turn right at the 1st cross street onto US-7 N
6 min (2.9 mi)
- 0.4 mi
4. Turn left onto CT-33 N
1.4 mi
5. Turn left onto Drum Hill Rd
371 ft
6. Turn right onto Cheese Spring Rd
1.0 mi

Continue on Thayer Pond Rd. Drive to Hollow Tree Pl

1 min (0.3 mi)

- 
7. Turn left onto Thayer Pond Rd

0.1 mi

- 
8. Turn right onto Hollow Tree Pl

0.1 mi

30 Hollow Tree Pl

Wilton, CT 06897

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Record and return to:
Gerald M. Fox, Esq.
Fox & Fox, L.L.P.
607 Bedford Street
Stamford, CT 06901

000088251 Bk:01701
Pg:00336

WARRANTY DEED

I, **HAROLD E. CLARK and ALISON M. CLARK** of Wilton, Connecticut, for the consideration of **NINE HUNDRED EIGHTY ONE THOUSAND TWO HUNDRED AND 00/100 (\$981,200.00) DOLLARS** paid, grant to **THOMAS J. RUSIN and KATRINA E. RUSIN**, residing at 42 Purdy Road East, Norwalk, Connecticut, **WITH WARRANTY COVENANTS**

ALL THAT CERTAIN piece or parcel of land, together with the buildings and improvements thereon, situated on Hollow Tree Place in the Town of Wilton, County of Fairfield and State of Connecticut shown and designated as Lot #3, including the Access for Lot #3, on a certain map entitled "Subdivision Map Prepared For Longwood Real Estate, Inc., Wilton, Connecticut, Two Acre Residence Zone, Total Area Shown Hereon = 16.742 Acres, Scale 1" = 60'" "certified substantially correct by Robert H. Henrici, L.D., Mar. 14, 1979, and filed August 4, 1979 as Map No. 3724 in the Wilton Town Clerk's Office.

TOGETHER WITH membership with a one-fifth voting right in Swamp Hollow Conservation Corp., a Connecticut non-stock corporation, which is the owner of the Conservation Area shown on said Map No. 3724 in the Wilton Town Clerk's Office.

The Premises are subject to such liens and encumbrances as are set forth below:

1. Any restrictions or limitations imposed or to be imposed by governmental authority, including, but not limited to, laws and regulations pertaining to environment, toxic hazards, zoning and planning and inland wetlands and watercourses, of the Town of Wilton, State of Connecticut and United States of America and any agency thereof.
2. Taxes of the Town of Wilton hereafter due and payable.
3. Sewer maintenance charges, water rents, fire district taxes, special assessments, public improvement assessments and any unpaid installments thereof, hereafter due and payable.
4. Riparian rights of others in and to any stream, pond, or other body of water located on, abutting or running through the premises.
5. Declaration of Conservation Development Restrictions recorded in Volume 331 at Page 128 of the Wilton Land Records.

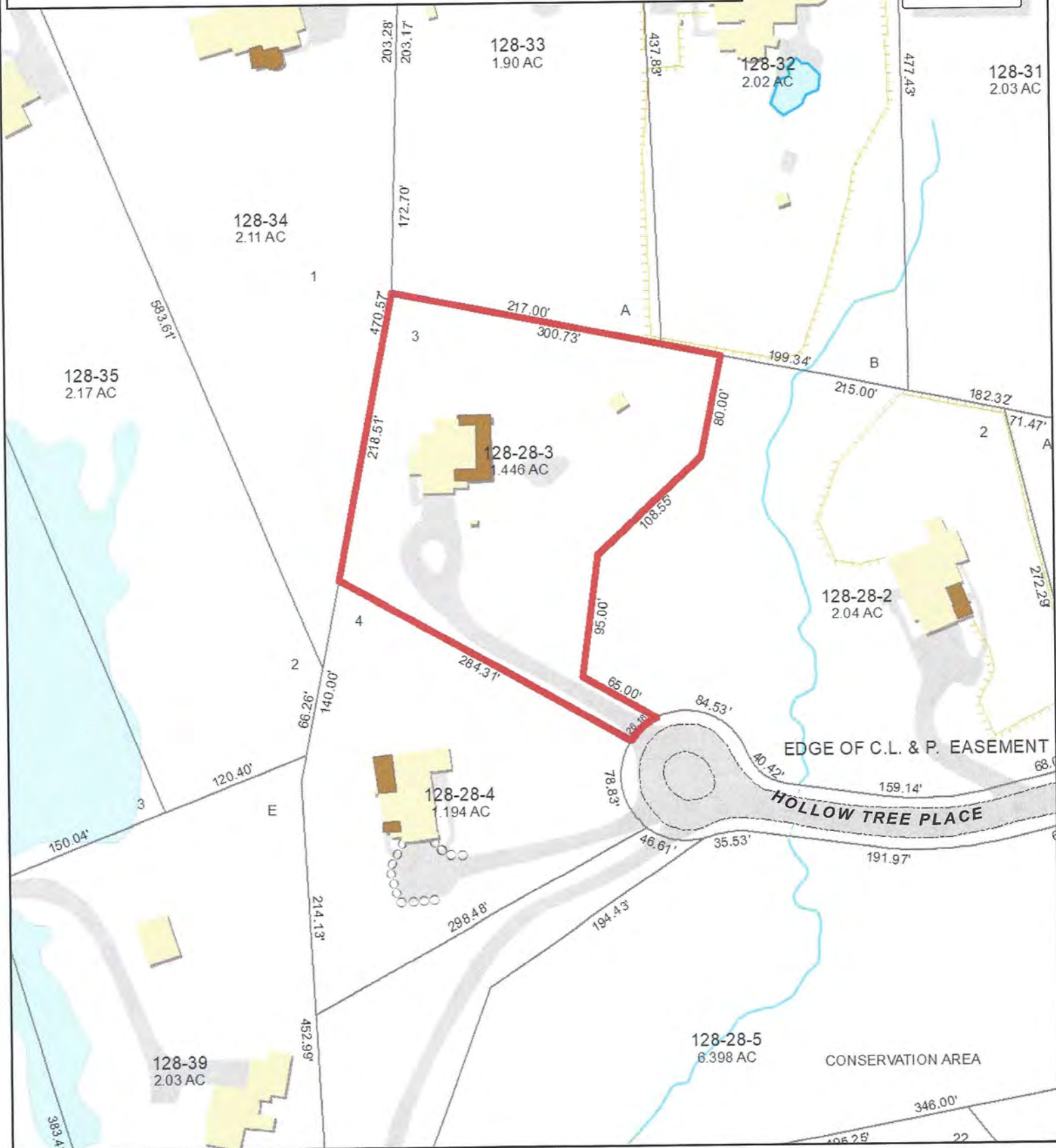
State:5812.00 TOWN:2453.00
Bette Joan Rasognetti
Town Clerk of Wilton

Conveyance Tax Collected

Town of Wilton, Connecticut - Assessment Parcel Map

MBL: 128-28-3

Address: 30 HOLLOW TREE PL



Approximate Scale:

1 inch = 100 feet

Disclaimer:

This map is for informational purposes only.
All information is subject to verification by any user.
The Town of Wilton and its mapping contractors
assume no legal responsibility for the information contained herein.

Map Grand List Date: Oct 2017

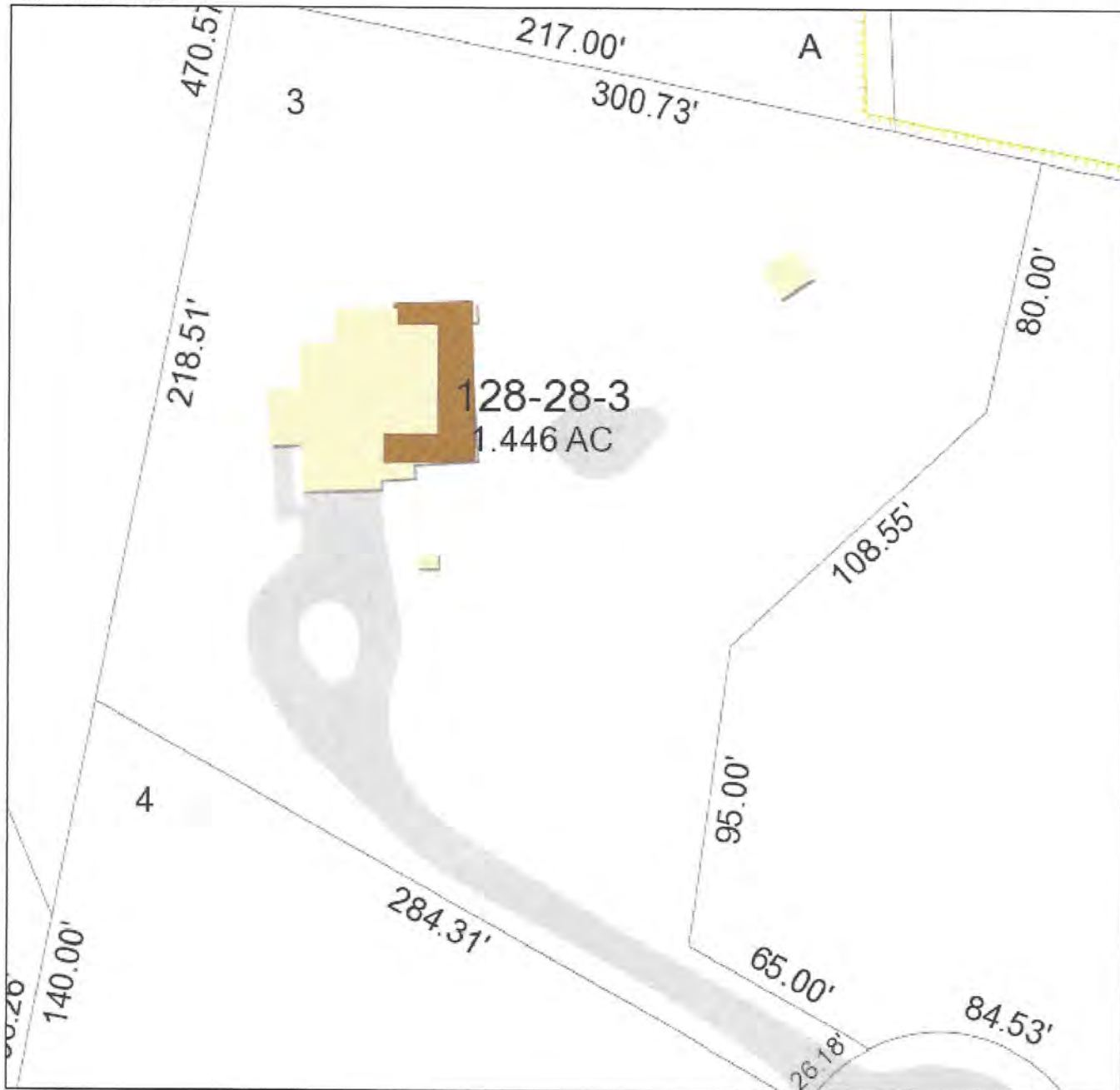
0 50 100 150 Feet

Town of Wilton

Geographic Information System (GIS)



Date Printed: 4/19/2021



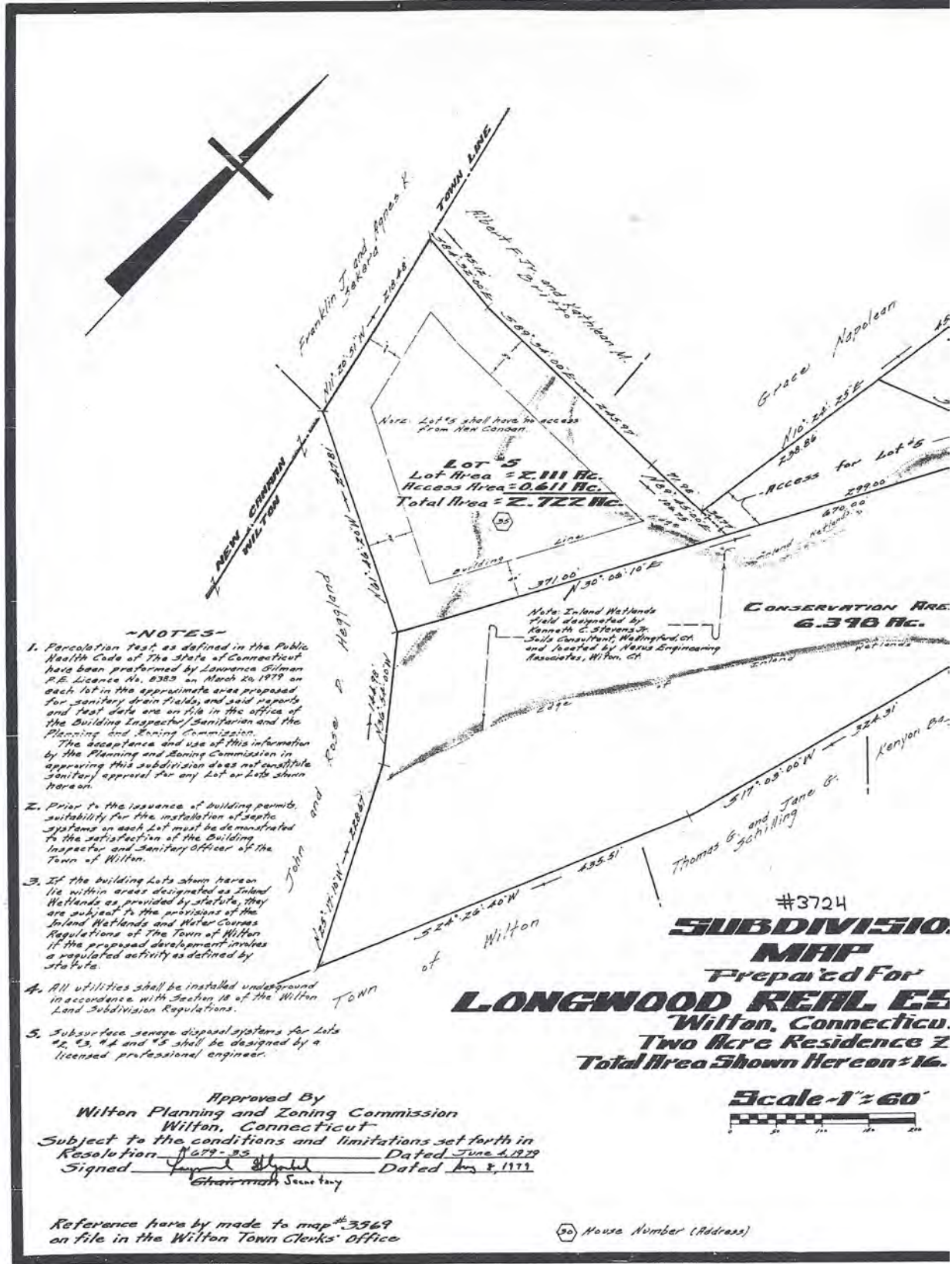
MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Wilton and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 50 ft



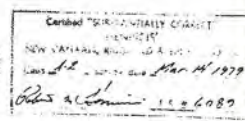
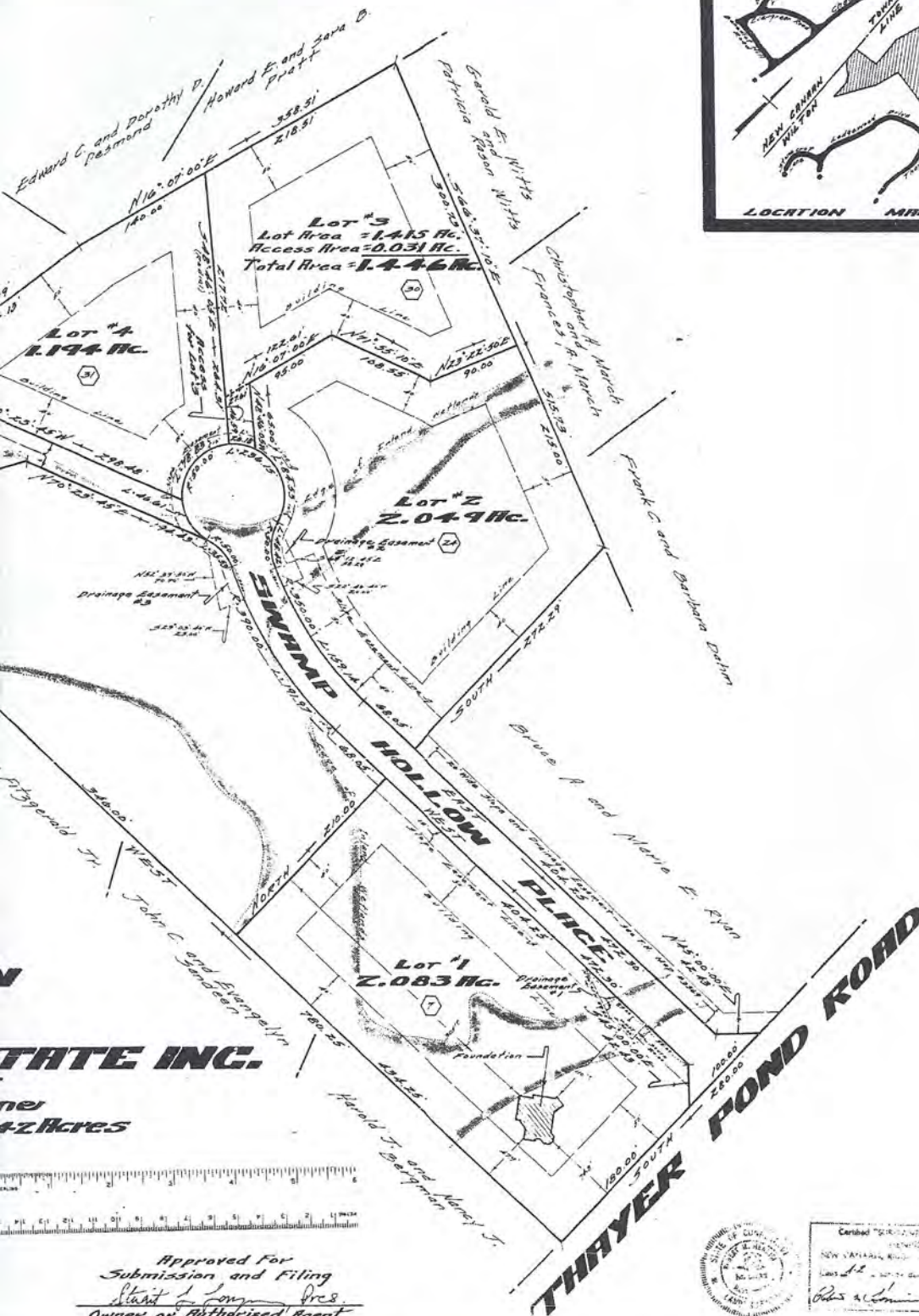
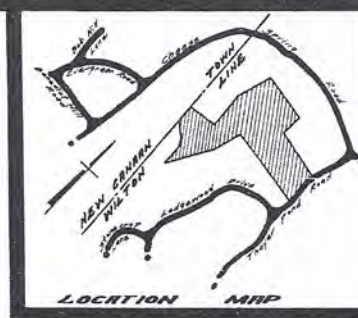
#3724



#3724 Received for filing August 14, 1979 at 4:30 P.M. Laramie A. Matt. Asst.

3724

3724



759
#3724



















NannyTreats.com
Full-time Nanny - Housekeeper - Mom