# 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.)

83 Forest La	ane, LLC		83 F	orest Lane, Wilto	on, CT	
APPLICANT'	S NAME		ADD	ADDRESS 83 Forest Lane, Wilton, CT		
83 Forest La	ane, LLC		83 F			
OWNER'S NA	AME		ADD	RESS		
83 Forest La	ane, Wilton, CT	_	R-2A	<b>\</b>		
PROPERTY L	OCATION		ZONI	NG DISTRICT		
3001	2513	1084	129	12	1.02+\- ac.	
WLR MAP#	VOLUME	PAGE	TAX N	MAP # LOT #	ACREAGE	

<u>VARIANCE DESCRIPTION</u>: In the space below, please state concisely the section(s) of the Zoning Regulations proposed to be varied and the specific variance requested (i.e. Request a variance of Section 29-\_\_ to allow \_\_\_\_ (an addition, a pool, average lot width, or whatever) with \_\_\_ in lieu of the required \_\_\_\_. For instance, a variance request for a building addition that encroaches into the required fifty foot rear setback area by 7 feet would read as follows: "Request a variance of Section 29-5.D to allow <u>a building addition</u> with <u>a 43 foot rear yard setback</u> in lieu of the required <u>50 feet</u>." ATTACH SEPARATE SHEETS AS REQUIRED.

Request a variance of Sec. 29-5.D to allow the construction of new dwelling and unground pool with 9.8% building coverage in lieu of 7.0% permitted building coverage.

<u>HARDSHIP DESCRIPTION</u>: In the space below, state the specific conditions pertaining to the perceived "exceptional difficulty or unusual hardship" <u>with respect to the parcel of land</u>, not generally encountered within the zoning district, which would make development in full accordance with the existing Zoning Regulations extremely difficult. ATTACH SEPARATE SHEETS AS REQUIRED.

See Attached Narrative.

OWNER'S SIGNATURE

			NG COVID at: Application Forms / Materials   Wilton CT				
	1		n <b>original signature, seal, and license number</b> of the n. Maps should be <b>folded, not rolled</b> .				
prote	essional responsible for prepa	ing each nen	i. Maps should be folded, not roned.				
$\checkmark$	APPLICATION FORM						
$\checkmark$	A-2 SURVEY of the subject pro	operty showing	all existing building and site conditions.				
$\checkmark$	SITE DEVELOPMENT PLAN building elevations, septic system distance(s) of proposed structure	N showing all proms, wells, and a es and/or improve	roposed additions, amendments and/or site improvements, including ll measurements pertaining to the application, such as location and vements from the subject property lines.				
$\checkmark$	LOCATION MAP - available l	nere: map.pdf	(wiltonct.org). Site location shall be identified on map.				
$\checkmark$	DIRECTIONS to subject property from Town Hall, 238 Danbury Road, Wilton, CT (e.g. hand-written, computer-generated or similar).						
	LIST OF PREVIOUS ZONING VARIANCES – available here: History of Previous Variances   Wilton C						
$\checkmark$	PHOTOGRAPHS of property showing building and site conditions from all geographic perspectives.						
$\checkmark$	ONE COPY OF DEED (Available in Town Clerk's Office)						
$\checkmark$	LIST OF OWNERS WITHIN 500' of any portion of the subject property as shown by Tax Map & Lot #. [See online GIS instructions at: owner list 500 ft gis directions 0.pdf (wiltonct.org)]						
			er within 500' of any portion of subject property.  nstructions.pdf (wiltonct.org)				
$\checkmark$	ELECTRONIC SUBMISSION michael.wrinn@wiltonct.org and		s (Consolidated into 1-2 PDFs Maximum), emailed to wiltonet.org				
$\checkmark$	TWO #10 (4"x 9.5") PLAIN E	NVELOPES ac	ddressed to the applicant (No Return Address)				
$\overline{\mathbf{A}}$	\$310 FILING FEE payable to:	Town of Wilton	1				
	1 7						
IS THE	SUBJECT PROPERTY LOCAT	ED WITHIN 50	00 FEET OF THE MUNICIPAL BORDER?  or				
			HE PUBLIC WATER SUPPLY WATERSHED BOUNDARY? re: watercompanyanddphnotification.pdf (wiltonct.org)]				
IS THE	SUBJECT PROPERTY LOCAT	ED IN THE FL	OOD PLAIN? or				
WHEN	WAS THE SUBJECT PROPER	ΓΥ PURCHAS	ED? March 16, 2022				
	AT YEAR WAS THE MAIN ST						
SITE C	COVERAGE PROPOSED: 9.8% RCENTAGE OF SITE)		BUILDING COVERAGE PROPOSED: 9.8% (AS PERCENTAGE OF SITE)				
(112 112	regrande er sire)		(12.12.102.11.102.01.01.2)				
req	uired by the Board have been subm	itted.	to be considered complete only when all information and documents				
	he best of his or her knowledge and		ratements contained herein and in all supporting documents according by grants visitation and inspection of the subject property as described				
Carmod	y Torrance Sandak & Hennessey	3/25/22	esuchy@carmodylaw.com 203-252-2656				
APPLI	CANT'S SIGNATURE	DATE	EMAIL ADDRESS TELEPHONE				
Counsel	for the Applicant/Owner	3/25/22	esuchy@carmodylaw.com 203-252-2656				

EMAIL ADDRESS

DATE

TELEPHONE

#### 83 Forest Lane, LLC

### 83 Forest Lane – Wilton, CT

## Application for Variance - Schedule A - Narrative

### **BACKGROUND**

83 Forest Lane, LLC is the owner of real property located at 83 Forest Lane in Wilton, Connecticut. Designated as Tax Map 129, Lot 12, the Property is 1.02+\- acres (44,705+\- sq.ft.) and zoned R-2A (the "Property"). This lot and others in the neighborhood are generally one-acre in size, created in 1951 when the zoning classification required one-acre lots (Refer to "Map of Subdivision Prepared for Inez D. Crofoot, Wilton, Conn. Town Clerk's Map #1032 Scale: 1"=60' Dated: Oct. 7, 1950" prepared by Leo Leonard, Jr. Civil Engineer & Surveyor, attached hereto).

The Property and others around it were subsequently up zoned to the R-2A, rendering the lots legally nonconforming. (Refer to "Existing Building Location Survey 83 Forest Lane, Wilton, CT 06897" dated March 15, 2022 prepared by Andes Consulting Engineering & Surveying, PLLC, ["ZLS]" attached hereto and made a part hereof).

The Property is improved with a 1.5-story single-family "Cape" style residence and attached garage constructed around 1951. (Refer to Existing Conditions Survey EX-1). This existing dwelling is nonconforming as it does not conform to the required side and front yard setbacks.

### **PROPOSAL**

The Applicant proposes to demolish the existing dwelling, attached garage, and detached shed and construct a new home with four bedrooms with an attached garage. (Refer to "Exterior Elevation" Sheets A-201, A-202, A-203, A-204 all dated 3-23-2022 and prepared by Grew Design, attached hereto and made a part hereof).

All required setbacks, height and bulk requirements will be fully compliant with the R-2A zone requirements, as will maximum site coverage.

However, a variance for maximum building coverage is requested to allow for the construction of the new dwelling, in-ground pool and shed. The maximum allowable coverage is 7% and the proposed coverage is 9.8%, so a variance of 2.8% is requested. In order to achieve this proposal, the Applicants seek approval from the Town of Wilton Zoning Board of Appeals ("ZBA") for a variance of Sec. 29-5.D to allow the additional building coverage.

When the town up-zoned the Inez Crowfoot 1-acre Subdivision to 2 acres, it reduced building coverage by 30%, thus creating an unusual hardship and depriving property owners of 30% of the building coverage that they would have continued to enjoy had it remained a one-acre zone. In the one-acre zone, building coverage is 10% compared to the 7% in the two-acre zone. As a result of the upzoning, each lot in this subdivision has 30% less land area for building coverage.

Many of the other homes in this neighborhood have sought relief for various projects and the ZBA has approved requests since the lots are nonconforming. In recent years, there have been 10 variances granted to homes on Forest Lane within only 290 feet of the Applicant. (Refer to attached Forest Lane Variances Granted in the Past)

For example, variances for building coverage (9.53% vs. 7.0%) and side yard setbacks were granted for 77 Forest Lane, which is a similarly sized lot (1.05+\- acres) for the construction of additions to the dwelling and in-ground pool. Variances were granted to 25 Forest Lane for building coverage (8.148% vs. 7%) for a construction of a 3-car garage and expansion of the house along with pool. Both are adjoining neighbors.

The Applicant submits that its proposal is consistent with at least one other dwelling in the neighborhood that has an inground pool and for which a variance for maximum coverage was granted, and that the legally nonconforming lot area resulting from upzoning, creates a practical difficulty and unnecessary hardship.

The proposal will not impact neighboring property owners, will not impair property values and will be consistent with similar requests on other properties in the neighborhood for which the ZBA has granted relief in the past.

116-24 116-23 116-25 **CASINELLI JESSE & EMILY** WILTON LAND CONSERVATION TRUST GILLIATT CHRISTINE A 44 FOREST LA **PO BOX 77 54 FOREST LA** CT 06897 WILTON WILTON CT 06897 WILTON CT 06897 116-26 116-27 117-14 **BEVIS LAURA & KEVIN AMMERMAN-GERKE TIMOTHY &** KONDUB NOEL **58 FOREST LA** 64 FOREST LA 132 OCEAN DR EAST WILTON CT 06897 WILTON CT 06897 STAMFORD CT 06902 117-15 128-3 128-4 **NEWMAN CAROL** ADIGE SATISH R & SHOBHA R **AKRATI AGARWAL & ABHAY PANDEY 27 DEFOREST LANE 40 FOREST LA 68 FOREST LA** WILTON CT 06897 WILTON CT 06897 WILTON CT 06897 128-5 128-6 128-6-3 **GOMEZ ELISA INES &** JAFFE SHARON B MASTRO JOHN J & JOAN 28 DEFOREST LA 78 FOREST LA 226 CHEESE SPRING RD WILTON CT 06897 WILTON CT 06897 WILTON CT 06897 128-9 128-10 129-1 **ROMAN PAUL PETER & ANNEMARIE** LANE BRIAN J & KATHLEEN M **COUSINS ASHLEY B & MICHELE R** 19 WESTFIELD RD 20 WESTFIELD RD 84 FOREST LA CT 06897 WILTON WILTON CT 06897 WILTON CT 06897 129-2 129-9 129-10 **BLAIR WILLIAM C & PAMELA L** PRICE DEAN A NICA BOGDAN & FLORENTINA SV (50%) & 33 DEFOREST LA **PO BOX 502** 9 FOREST LA WILTON CT 06897 WILTON CT 06897 WILTON CT 06897 129-11 129-12 129-13 **CUREAU STEVEN C & KATHLEEN G** 83 FOREST LANE LLC **OLIVER MICHAEL J & CHRISTINE M** 89 FOREST LA 83 FOREST LA 77 FOREST LA WILTON CT 06897 WILTON CT 06897 WILTON CT 06897 129-14 129-15 129-16 QUANTOCK KEVAN G & SARA H **CAFIERO STEPHEN M & KIM S FARENGA JOSEPH A** 73 FOREST LA 51 FOREST LA 41 FOREST LA WILTON CT 06897 WILTON CT 06897 WILTON CT 06897 129-18 129-17 129-19 POZZI JOSEPH A & COURTNEY P ZIMMER JENNIFER **VAZARKAR DHARMESH & PINAKI** 25 FOREST LA 15 FOREST LA 6 FOREST LA WILTON CT 06897 WILTON CT 06897 WILTON CT 06897

129-22

WILTON

29 CROFOOT RD

**ROSENBERG SETH ADRIAN &** 

CT 06897

129-21

WILTON

24 FOREST LA

MACDONALD BRYAN J & ANNA B

CT 06897

129-20

WILTON

18 FOREST LA

MCLAUGHLIN ANDREW J &

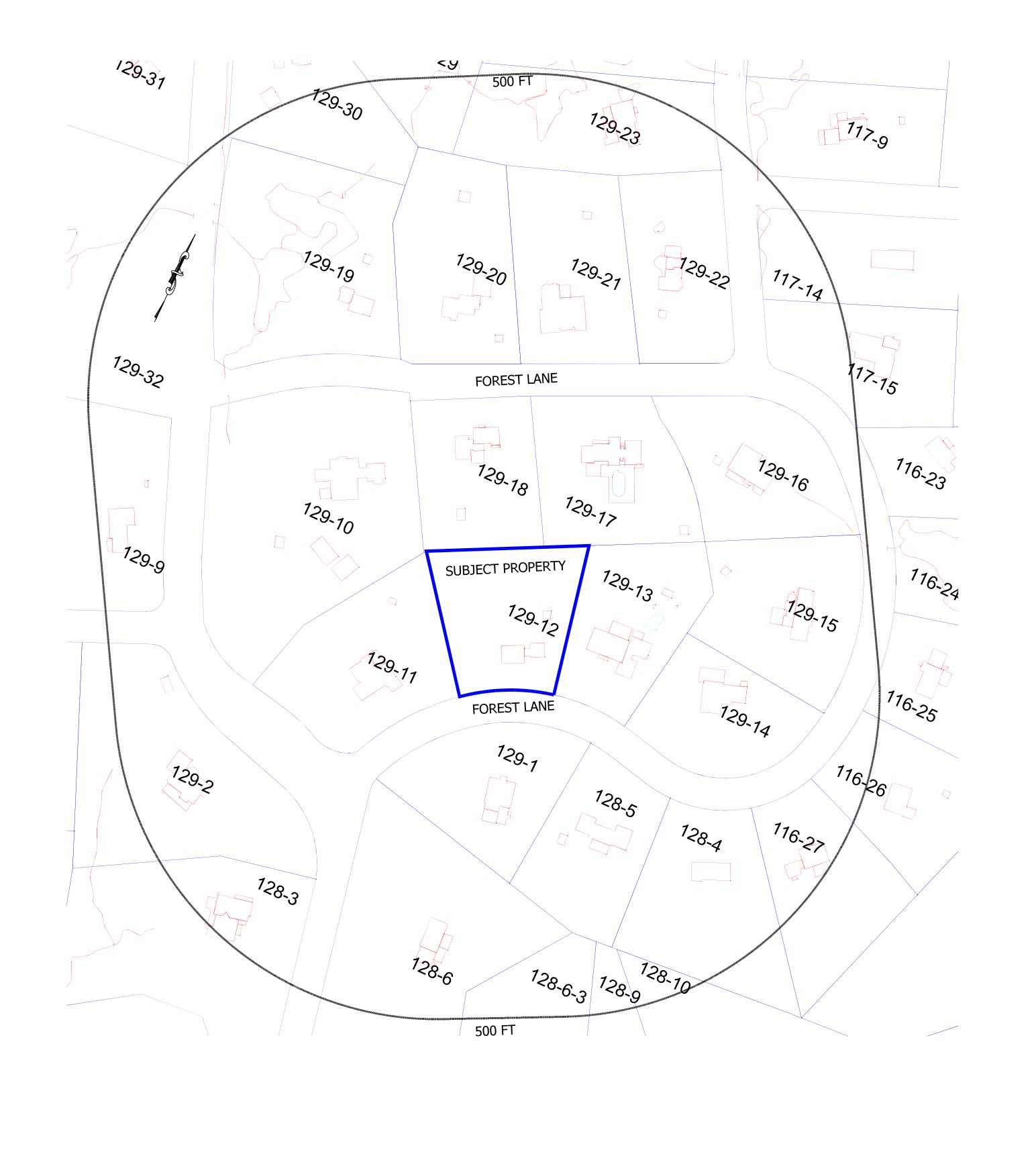
CT 06897

129-32
DEFOREST ROAD DEVELOPERS LLC
6 MAIN ST STE 312
CENTERBROOK CT 06409

Directions from Wilton, CT Town Hall Annex to 83 Forest Road, Wilton, CT

- Make Right from Town Hall driveway onto Danbury Rd/US-7 N/CT-33 toward Old Hwy.
- Turn left onto Ridgefield Rd/CT-33.
- Turn left onto Drum Hill Rd.
- Take the 1st right onto Cheesespring Rd.
- Turn right onto Deforest Ln.
- Take the 1st right onto Forest Ln.

83 Forest Lane is on the left.



SITE LOCALO

SITE LOCUS

Parcel ID	Site Address	Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
116-23	44 FOREST LA	CASINELLI JESSE & EMILY	44 FOREST LA	WILTON	СТ	06897- 0000
116-24	50 FOREST LA	WILTON LAND CONSERVATION TRUST	PO BOX 77	WILTON	СТ	06897- 0000
116-25	54 FOREST LA	GILLIATT CHRISTINE A	54 FOREST LA	WILTON	СТ	06897- 0000
116-26	58 FOREST LA	BEVIS LAURA & KEVIN	58 FOREST LA	WILTON	СТ	06897- 0000
116-27	64 FOREST LA	AMMERMAN-GERKE TIMOTHY & KIMBERLY	64 FOREST LA	WILTON	СТ	06897- 0000
117-14	8 CROFOOT RD	KONDUB NOEL	132 OCEAN DR EAST	STAMFORD	СТ	06902-0000
117-15	40 FOREST LA	NEWMAN CAROL	40 FOREST LA	WILTON	СТ	06897- 0000
128-3	27 DEFOREST LA	ADIGE SATISH R & SHOBHA R	27 DEFOREST LANE	WILTON	СТ	06897- 0000
128-4	68 FOREST LA	AKRATI AGARWAL & ABHAY PANDEY	68 FOREST LA	WILTON	СТ	06897- 0000
128-5	78 FOREST LA	GOMEZ ELISA INES &	78 FOREST LA	WILTON	СТ	06897- 0000
128-6	28 DEFOREST LA	JAFFE SHARON B	28 DEFOREST LA	WILTON	СТ	06897- 0000
128-6-3	226 CHEESE SPRING RD	MASTRO JOHN J & JOAN	226 CHEESE SPRING RD	WILTON	СТ	06897- 0000
128-9	19 WESTFIELD RD	ROMAN PAUL PETER & ANNEMARIE	19 WESTFIELD RD	WILTON	СТ	06897- 0000
128-10	20 WESTFIELD RD	LANE BRIAN J & KATHLEEN M	20 WESTFIELD RD	WILTON	СТ	06897- 0000
129-1	84 FOREST LA	COUSINS ASHLEY B & MICHELE R	84 FOREST LA	WILTON	СТ	06897- 0000
129-2	1 ROCKY BROOK RD	BLAIR WILLIAM C & PAMELA L	PO BOX 502	WILTON	СТ	06897- 0000
129-9	33 DEFOREST LA	PRICE DEAN A	33 DEFOREST LA	WILTON	СТ	06897- 0000
129-10	9 FOREST LA	NICA BOGDAN & FLORENTINA SV (50%) &	9 FOREST LA	WILTON	СТ	06897- 0000
129-11	89 FOREST LA	CUREAU STEVEN C & KATHLEEN G	89 FOREST LA	WILTON	СТ	06897- 0000
129-12	83 FOREST LA	83 FOREST LANE LLC	83 FOREST LA	WILTON	СТ	06897- 0000
129-13	77 FOREST LA	OLIVER MICHAEL J & CHRISTINE M	77 FOREST LA	WILTON	СТ	06897- 0000
129-14	73 FOREST LA	QUANTOCK KEVAN G & SARA H	73 FOREST LA	WILTON	СТ	06897- 0000
129-15	51 FOREST LA	CAFIERO STEPHEN M & KIM S	51 FOREST LA	WILTON	СТ	06897- 0000
129-16	41 FOREST LA	FARENGA JOSEPH A	41 FOREST LA	WILTON	СТ	06897-0000
129-17	25 FOREST LA	POZZI JOSEPH A & COURTNEY P	25 FOREST LA	WILTON	СТ	06897- 0000
129-18	15 FOREST LA	ZIMMER JENNIFER	15 FOREST LA	WILTON	СТ	06897- 0000
129-19	6 FOREST LA	VAZARKAR DHARMESH & PINAKI	6 FOREST LA	WILTON	СТ	06897- 0000
129-20	18 FOREST LA	MCLAUGHLIN ANDREW J &	18 FOREST LA	WILTON	СТ	06897- 0000
129-21	24 FOREST LA	MACDONALD BRYAN J & ANNA B	24 FOREST LA	WILTON	СТ	06897- 0000
129-22	29 CROFOOT RD	ROSENBERG SETH ADRIAN &	29 CROFOOT RD	WILTON	СТ	06897- 0000
129-32	DEFOREST RD	DEFOREST ROAD DEVELOPERS LLC	6 MAIN ST STE 312	CENTERBROOK	СТ	06409- 0000

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT.

Michael W. Finkbeiner

Michael W. Finkbeiner CT#16105 - NY#050352-1 6 Oak St West, Greenwich, CT 06830 203.661.3897 andesces.mwf@gmail.com

Area = 1.0263 Acres = 44,705 SF ZONE R-2A

Scale: 1 Inch = 100 Feet

		Project: ZONING 500-ft VICINITY EXHIBIT FOR	Date: March 22, 2022
THE OF CONNECTED AND		VARIANCE AT83 FOREST LANE, WILTON, CT 06897	Project No.: A222
Andes Consulting Engineering		VARIANCE ATOUT OREST EARL, WILLOW, CT 00077	Scale: 1"= 100'
		Prepared for:	Field Book #: A22
	Cuita E	83 FOREST LANE ASSOCIATES, LLC	
Nutley N. I. 07110 Greenwi	CT 06830	Prepared by: Michael W. Einkheiner, P. S.	
(646) 727-0656 www.andesces.com -	481-2003 1 3/22/22 Issued for Variance Application	MWF MWF	- Class 1 - ( 1
andesces.jcl@gmail.com	REV DATE DESCRIPTION	BY Drawn by: MWF Checked by: MWF	Sheet <sup>1</sup> of <sup>1</sup>

#### FOREST LANE ZBA VARIANCES GRANTED IN THE PAST WITHIN 290 FEET OF 83 FOREST LANE

**15 Forest Lane** 71-1-2 A Variance to Permit 27 FT Rear Yard Setback in Lieu of the 40 FT Rear Yard Setback

**44 Forest Lane** 93-9-28 A Variance to Permit Side Yard Setback of 37'-3" in Lieu

of 40 Feet to Construct a Detached Garage

**89 Forest Lane** 80-5-10 A Variance to Permit Swimming Pool 45'-0" from the Rear

Property Line in Lieu of 50'-0" and to Permit a Shed 29'-2" from

the Rear Property Line in Lieu of 50'-0"

**24 Forest Lane** 01-06-27 A Variance of Section 29-5D to allow an addition with a

29'-6" side Yard Setback in Lieu of the required 40 Feet.

**25 Forest Lane** 07-12-21 A Variance of Section 29-5D to allow the Construction of

Addition that will result in building coverage of 8.148% in Lieu of 7 % Permitted. The addition resulted in a new 3-car garage and

expansion of the house along with a pool.

**64 Forest Lane** 03-10-33 A Variance of Section 29-5D to allow an Addition with a

30'-0" side Yard Setback in Lieu of the required 40 Feet.

**77 Forest Lane** 12-03-04 A Variance of Section 29-5D to allow a Building Addition

with a 32.8-foot side yard setback in lieu of the required 40 feet; a 31.3-foot side yard setback in lieu of the required 40 feet; and a

Building Coverage of 9.53% in lieu of the required 7%.

This resulted in a new pool and garage and building addition.

77 Forest Lane 08-11-23 A Variance of Section 29-5D to allow a Building Addition

with a Building Coverage of 9.48% in Lieu of the permitted 7%; a second-floor building addition building addition with a preexisting

34.1-foot side yard setback in lieu of the permitted 40 feet.

**77 Forest Lane** 06-07-26 A Variance of Section 29-5D to allow the for the raising

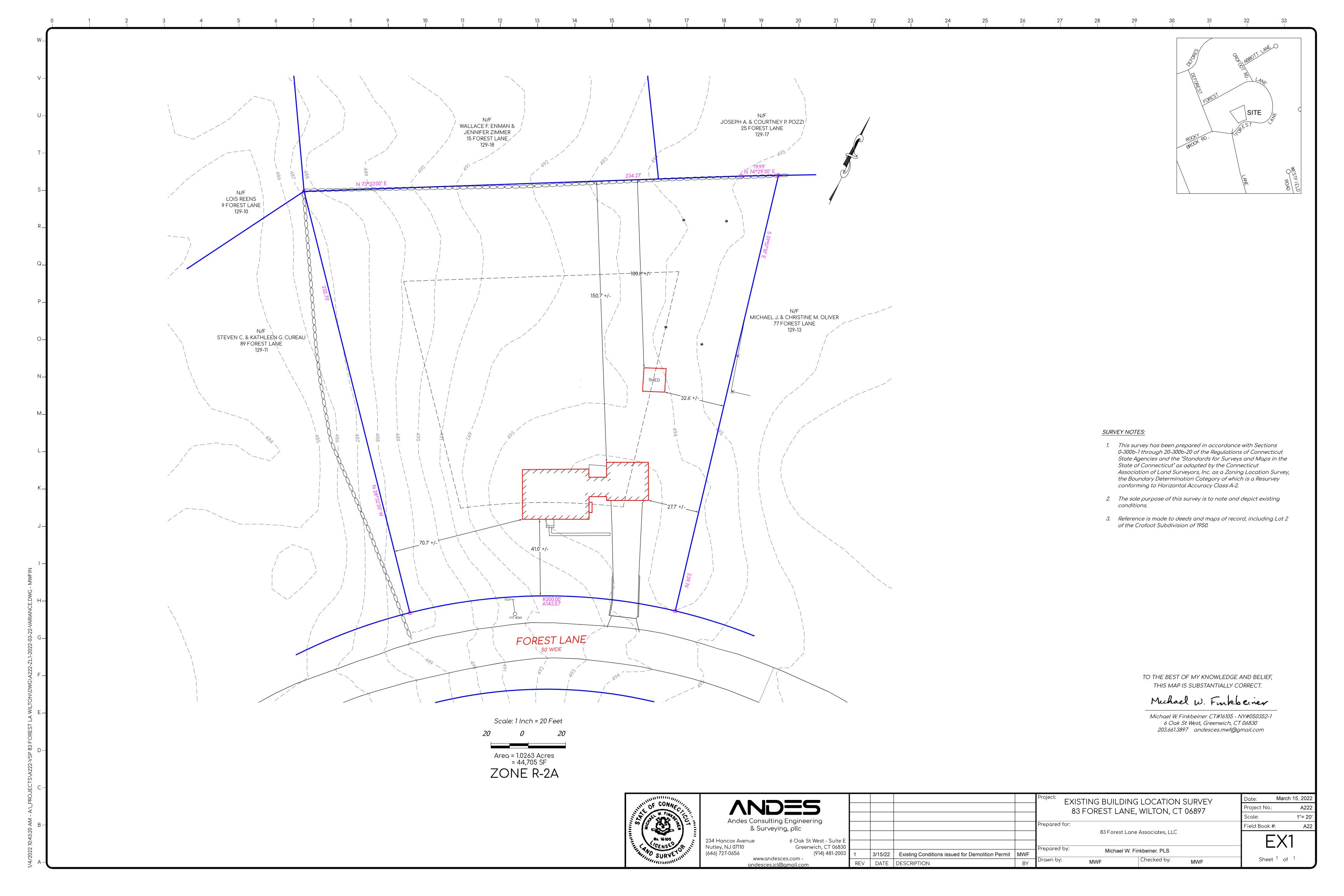
of the Roof height 10'8" above the original existing garage Structure which was built a 30'2" in lieu of the required 40 feet.

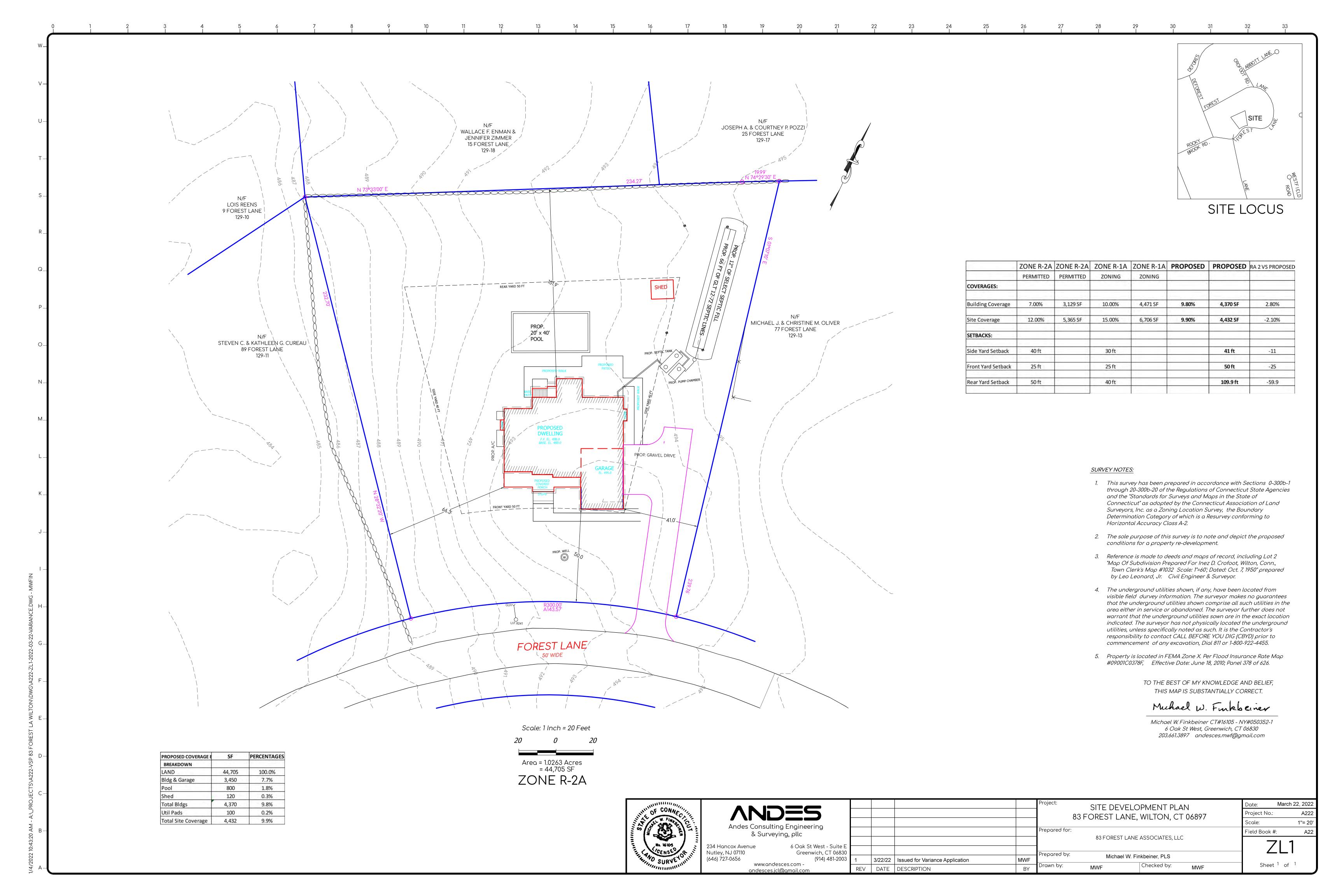
**78 Forest Lane** 01-10-42 A Variance of Section 29-5D to allow a western building

addition with a 24-foot side yard setback in lieu of the required 40 feet setback and an eastern building addition with a 37-foot side

yard setback in lieu of the required 40 feet





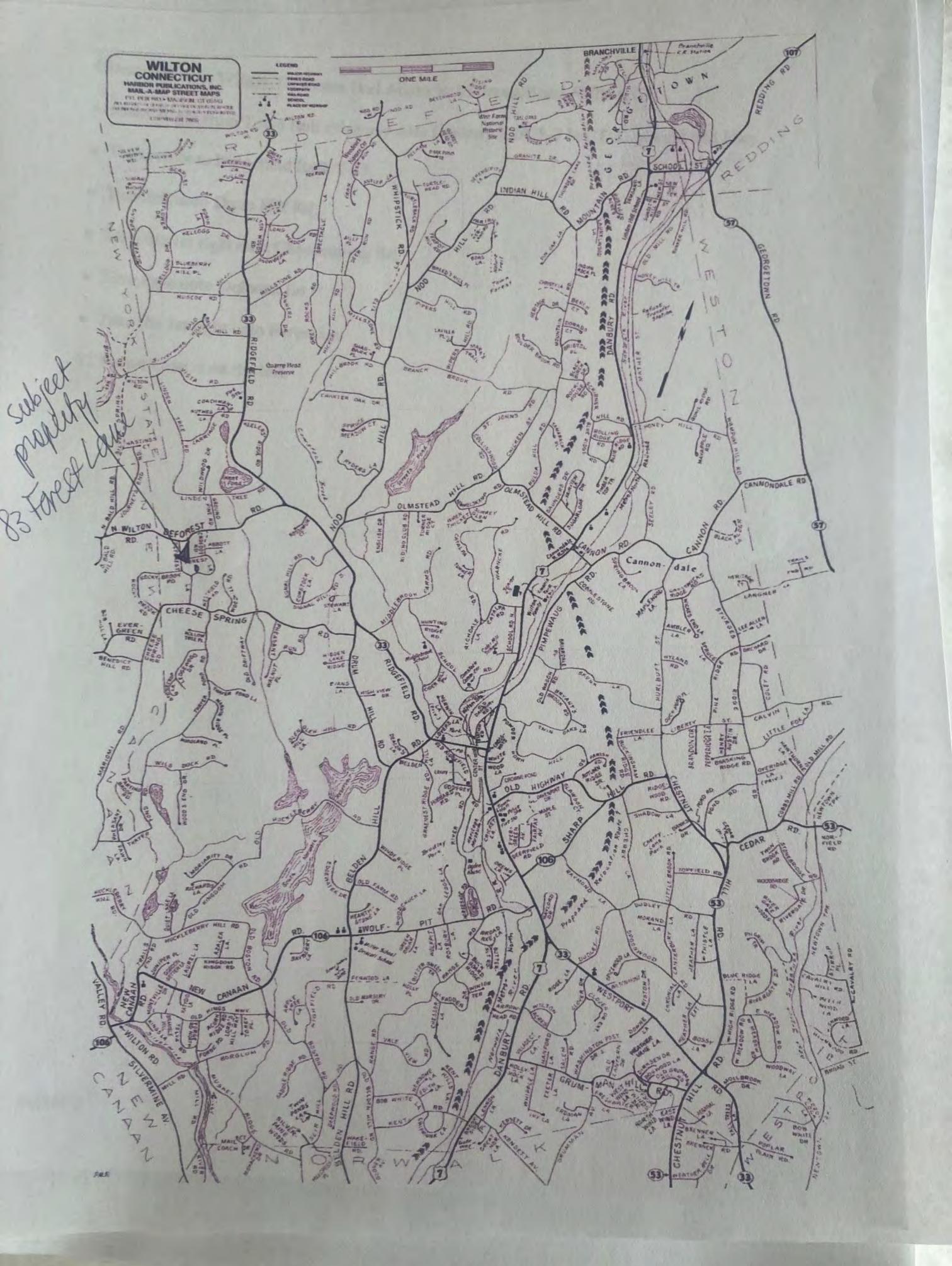












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RECORD & RETURN TO:

Rosati & Rosati, LLC 3241 Main Street Stratford, CT 06614

## WARRANTY DEED - STATUTORY FORM

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, KNOW YE THAT 83 FOREST LANE LLC, a Connecticut limited liability company with an office at 143 Chestnut Hill Rd., Wilton, CT 06897, for consideration of FIVE HUNDRED FIFTY THOUSAND & 00/100 DOLLARS (\$550,000.00), grants to 83 FOREST LANE ASSOCIATES, LLC, a Connecticut limited liability company with an office at 83 Forest Ln., Wilton, CT 06897, with WARRANTY COVENANTS, all that certain real property known as 83 Forest Lane, Wilton, CT 06897, being more particularly described as follows:

All that certain tract or parcel of land, situated in the said Town of Wilton, containing 1.02 acres, more or less, and known and designated as Lot No.2 on that certain map entitled, "Map of Lots (1) and (2) Prepared for Ines Crofoot, Wilton, Conn. Scale 1" = 60' April 20, 1950" By Leo Leonard, Jr. Civil Engineer & Surveyor Norwalk, Conn., on file in the office of the Town Clerk of Wilton, to which map reference is hereby made and had for a more particular description and location of said premises. Said Lot is bounded: NORTHERLY, 254.27 feet in part by land of Walter R. T. and Daisy A. Smith, and in part by land of Hubert L. and Mildred L. Smith; EASTERLY, 239.76 feet by other land of the Grantor; SOUTHERLY, 143.57 feet by Forest Lane, as shown on said map; and WESTERLY, 232.70 feet, by Lot No. 1 as shown on said map, being other land of the Grantor.

Together with a right of way in common with others having a like right and to whom a like right may hereafter be given over said Forest Lane.

Said Premises are conveyed subject to:

- 1. Any and all provisions of any municipal, ordinance or regulation or public or private law with special reference to the provisions of any zoning regulations and regulations governing the said Premises.
- Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed.
- 3. Notes, facts and conditions as shown on Map No. 1003.

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In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed on this 16th day of March, 2022.

83 FOREST LANE LLC, Grantor

By

Donald B. White Its Manager

> CONVEYANCE TAX RECEIVED TOWN: \$1,375.00 STATE: \$4,125.00

Signed, sealed and delivered in the presence of or attested by:

Olari a. Hober

WILTON, CT TOWN CLERK

Witness:

David M. Greenberg

Witness:

STATE OF CONNECTICUT

**COUNTY OF FAIRFIELD** 

ss. FAIRFIELD

Personally appeared Donald B. White, Manager of 83 FOREST LANE LLC, signer and sealer of the foregoing instrument, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained in the capacity therein stated, before me, on this 16th day of March, 2022.

David M. Sreenberg

Commissioner of the Superior Court

Received for Record at Wilton, CT On 03/18/2022 At 10:05:00 am

Olari a ysobak