

From: mcme@optonline.net <mcme@optonline.net>
Sent: Friday, May 13, 2022 10:55 AM
To: Wrinn, Michael <Michael.Wrinn@WILTONCT.ORG>
Subject: 455 Thayer Pond Road

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Dear Michael Wrinn,

As owners of 461 & 463 Thayer Pond Road on the adjacent North side of 455 Thayer Pond Road we oppose to Brina's latest application.

The applicants have said the existing property deprives them of "reasonable use" of the lot and "unnecessary hardships" which impair their ability to achieve compliance with the regulations in connection with the proposed renovation of the existing 2 structures in order to create a habitable dwelling. We disagree. The house is a small house on a one acre lot in a two acre zoned neighborhood. It is a charming older cottage and is a habitable dwelling. In late August 2020, all rooms were painted and all hardwood floors refinished. A new floor was installed in the dining room.

Reserved for unusual or exceptional circumstances, it is our understanding that the zoning board of appeals may grant a variance only when two basic requirements are satisfied:

1) The variance must be shown not to affect substantially the comprehensive zoning plan.

This is the only house throughout the neighborhood that sits 20 feet from the adjacent neighbors property line. The comprehensive zoning plan is 40 feet and many properties are correcting the deficiencies when they renovate. (See P&Z recent application for 83 Forrest a 1A in 2A zone with similar lot size and set backs). Brina's application will substantially affect the comprehensive zoning plan.

2) Adherence to the strict letter of the zoning ordinance must be shown to cause an unusual hardship unnecessary to the carrying out of the general purpose of the zoning plan.

This is not an unusual hardship. The existing garage can be repositioned or reduced in size to reduce the non conformity.

In summary, we have an opportunity to correct the current deficiencies, reduce the non conformity and keep the spirit of the surrounding homes on Thayer Pond Road.

The Brina's suggest that a modest variance is requested. It's not modest. The front corner of the north side of the house is an extreme violation of setback and volume. The

entire corner is non conforming and we object to additional volume. The plans submitted are misleading as the set back is much more than shown. We feel Brina's have increased the non conformity.

We do not think the Brina's have done enough to justify these variances.

In the last P&Z meeting, we believe records show Mrs. Brina agreeing to change the driveway and install a buffer of trees 6-7 feet. The plan she has submitted has proposed 5 ft trees at planting and positioned 4 feet apart which is too far to provide privacy. This is once again not following what she committed to do. The driveway was outlined during the meeting in red to be straight but it is now larger with a turnaround area at the front north corner of the garage that is already too close to our property line. The driveway has been moved closer to the North and is now only 13 feet from our property line.

Finally and to show neglect of the process, the Brina's have planted black metal fence poles on the property line, but in order to secure them have dug up our property. They removed shared ledge and rock and then left the large holes, the large rocks and the ledge on our property. Not only did they trespass and damage our property but when approached, they agreed to move the poles and cement and fill the holes with soil. To date after many months nothing has been done and the damage remains. This is yet another example of how they do not follow through with what they commit to do. For this reason we're most concerned that they will not follow approved plans or adhere to the variance ordinance. We are again asking that they remove the poles, and repair the damage to our property immediately.

The Brina's have increased non conformity when an opportunity exists to reduce non conformity and make this a conforming property for Wilton.

Respectfully submitted,

Melissa and Mike Elmasry

Sent from my iPhone