

**Robert R. Brina
Monica C. Brina
12 Gay Road # 1765
East Hampton, NY 11937
(213) 361-6053
gharmony24@yahoo.com**

March 30, 2022

Mr. Michael Wrinn
Director
Department of Planning & Zoning
Town of Wilton
238 Danbury Road
Wilton, CT 06897

**Re: Robert & Monica Brina – 455 Thayer Pond Road, Wilton, CT 06897
Application for Variance**

Dear Mr. Wrinn,

Please be advised that we, Robert R. Brina and Monica C. Brina, are the owners of the above-referenced property with the improvements thereon. This letter is to advise you that we will be representing ourselves in the upcoming ZBA Variance Hearing of April 18, 2022.

In an effort to advance our project of renovation of 455 Thayer Pond Road, so that we may, actually, begin a new life there, we have agreed to accommodate our neighbors' concerns by: 1) removing the bay window on the south side; and 2) removing the bedroom above the garage. To that end, we hereby submit a ZBA Application along with all the required documents. Please be advised that all preparation of documents, which include the architectural design and drawings, under a licensed architect, have been prepared by Mrs. Monica Brina, Certified Interior Designer. All questions or clarifications that may arise, and needed, should be directed to her at the above email address, or telephone number.

Very truly yours,

Robert R. Brina
Monica C. Brina

MCB:pd

THE FOLLOWING MATERIALS ARE REQUIRED:

- * Please see **SPECIAL INSTRUCTIONS DURING COVID** at: [Application Forms / Materials | Wilton CT](#)
* All submitted plans and documents shall bear an **original signature, seal, and license number** of the professional responsible for preparing each item. Maps should be **folded, not rolled**.

- ☒ **APPLICATION FORM**
- ☒ **A-2 SURVEY** of the subject property showing all existing building and site conditions.
- ☒ **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.
- ☒ **LOCATION MAP** - available here: [map.pdf \(wiltonct.org\)](#). Site location shall be identified on map.
- ☒ **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 CT](#)
- ☒ **PHOTOGRAPHS** of property showing building and site conditions from all geographic perspectives.
- ☒ **ONE COPY OF DEED** (Available in Town Clerk's Office)
- ☒ **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 \(wiltonct.org\)](#)]
- ☒ **ENVELOPES**, addressed to each property owner within 500' of any portion of subject property.
[See "Envelopes Instructions" at: [envelopes_instructions.pdf \(wiltonct.org\)](#)]
- ☒ **ELECTRONIC SUBMISSION** of all materials (Consolidated into 1-2 PDFs Maximum), emailed to michael.wrinn@wiltonct.org and daphne.white@wiltonct.org
- ☒ **TWO #10 (4"x 9.5") PLAIN ENVELOPES** addressed to the applicant (No Return Address)
- ☒ **\$310 FILING FEE** payable to: Town of Wilton

IS THE SUBJECT PROPERTY LOCATED WITHIN 500 FEET OF THE MUNICIPAL BORDER? ☐ or ☐

IS THE SUBJECT PROPERTY LOCATED WITHIN THE PUBLIC WATER SUPPLY WATERSHED BOUNDARY?
YES or NO [If YES, see DPH Addendum Form here: [watercompanyanddphnotification.pdf \(wiltonct.org\)](#)]

IS THE SUBJECT PROPERTY LOCATED IN THE FLOOD PLAIN? ☐ or ☐

WHEN WAS THE SUBJECT PROPERTY PURCHASED? 10/23/20

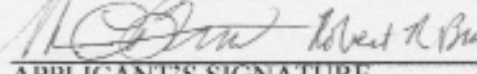
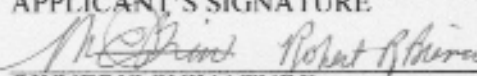
IN WHAT YEAR WAS THE MAIN STRUCTURE CONSTRUCTED? 1932 +/-

SITE COVERAGE PROPOSED: 7.2%
(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.

	3/29/22	gharmony24@yahoo.com	213 361-6053
APPLICANT'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE
	3/29/22	Same as above	Same as above
OWNER'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE

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.)

Robert R. Brina & Monica C. Brina			12 Gay Road #1765, East Hampton, NY 11937		
APPLICANT'S NAME Same as above			ADDRESS Same as above		
OWNER'S NAME 455 Thayer Pond Road, Wilton, CT 06897			ADDRESS R-2A		
PROPERTY LOCATION 4024 2519 186			ZONING DISTRICT 128 18 0.99+/-ac		
WLR MAP#	VOLUME	PAGE	TAX MAP #	LOT #	ACREAGE

VARIANCE DESCRIPTION: 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 a building addition with a 43 foot rear yard setback in lieu of the required 50 feet." ATTACH SEPARATE SHEETS AS REQUIRED.

Request variance of Section 29-5D to allow MAINTAINING LEGALLY NON-CONFORMING, EXISTING SIDE YARD SETBACKS: 36' to 37.4' in lieu of 40' for adaptive reuse of EXISTING HOUSE + modest addition to allow new, single-family dwelling. Previous Side Yard Setback Variance- 36'/40' Granted 3/15/89. See Schedule B attached hereto and made a part hereof. **REQUEST VARIANCE of Section 29.5D to allow MAINTAINING LEGALLY NON-CONFORMING, EXISTING SIDE YARD SETBACKS: 36' to 37.4' in lieu of 40' for adaptive reuse of EXISTING HOUSE + modest addition to allow new, single-family dwelling. Previous Side Yard Setback Variance - 36'/40' Granted 3/15/89. See Schedule B attached hereto and made a part hereof.**

HARDSHIP DESCRIPTION: In the space below, state the specific conditions pertaining to the perceived "exceptional difficulty or unusual hardship" with respect to the parcel of land, 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 Schedule A attached hereto and made a part hereof.

See Schedule A attached hereto and made a part hereof.

Robert & Monica Brina

455 Thayer Pond Road – Wilton, CT

Application for Variances

Narrative

SCHEDULE A

BACKGROUND: Mr. and Mrs. Robert R. Brina (hereinafter referred to as “Applicants”) are the owners of that certain real property (together with certain improvements situated thereon) and located at 455 Thayer Pond Road in Wilton, Connecticut, and designated as Tax Map 128, Lot 18: the property itself is 0.99 acres (43,143+/- sq. ft.) and zoned R-2A (the “Property”). The lot is currently legally nonconforming insofar as the R-2A zoning designation formally requires that lots conform to a minimum of two (2) acres in size **with 200 feet of lot width**. (Refer to “Zoning Information” on “Zoning Location Survey, Proposed 455 Thayer Pond Road Prepared for Applicants, Monica C. Brina and Robert R. Brina, Wilton, Connecticut Scale 1” = 20, **March 29, 2022**” [“ZLS Proposed”] prepared by Ryan and Faulds, LLC (surveyors), attached hereto and made a part hereof).

The Property is improved with a single-family residence and detached garage constructed circa **1932**, well before the initial enactment of formal zoning regulations in Wilton, which occurred in **1946**. A side yard setback variance had also been subsequently granted in 1989 to a predecessor-in-interest for the construction of an addition for a kitchen.¹ **Current side yard setbacks (since 1946 Zoning Regulations)** for the **existing residence** on the **southern border** is approximately **37’ 4”**, and the **northern border** enjoys a current setback of **20’ 3” at the existing garage**, and **36’ at the existing house**, while the **front yard setback** to the **existing porch** is approximately **46.0 feet**, all of which are legally nonconforming. (See ZLS Proposed).

¹Variance Application #89-0306 approved March 15, 1989 for side yard setback – 40’ required, 36’ approved. Volume 679 Page 120, Wilton Land Records.

PROPOSAL

The Applicants propose to adaptively reuse the existing dwelling as well as the existing garage, using essentially the same footprint. Applicants propose to renovate the existing front house, from a current one and $\frac{3}{4}$ -story ($1\frac{3}{4}$) residence to a two (2)-story, 3 bedroom home on the second floor. The adaptive reuse of the existing garage, will consist of physically joining it to the former front house, for ease of moving groceries, etc. The existing dwelling, and essentially the existing footprint, with a modest addition, will create a new, and habitable, dwelling. As part of this proposal, the Applicants will eliminate the existing nonconforming front yard setback **by removing part of the enclosed porch** on the existing dwelling. (Refer to architectural drawings, designed by Mrs. Monica C. Brina, for “Brina Residence 455 Thayer Pond Rd. Wilton, CT 06897” dated March 29, 2022 prepared by Greenwich Design Architects, [architectural plans] attached hereto and made a part hereof). The **side setbacks will remain the same –i.e., the existing side setbacks since 1946**. With the exception of the existing side yard setbacks, the proposed dwelling complies with all other requirements of the zoning regulations.

In order to achieve this, the Applicants therefore seek approval from the Town of Wilton Zoning Board of Appeals (“ZBA”) for variances to the **already existing side yard setback** dimensions ranging from 35.0’ (North Side-Roof Residence), rather than the 40’ required. On the southern side of the property, the existing setbacks are contemplated to remain, at 36.4’ (South Side-Roof Residence) in lieu of the 40’ required. On the front, West side, part of the front-porch-Sun Room will be removed. The Front Steps will now have a Front Setback of 48’, which is within the 50’ required. (Refer to “Variances Required” on ZLS Proposed). In addition, the Applicants propose to **build a Maximum Building Coverage of 6.9% whereas the Maximum Building Coverage permits 7%. The Lot Coverage Site will consist of 7.2% where 12% is permitted.** (Refer to “Zoning Information” on ZLS Proposed, attached hereto and made a part hereof). In the present submission, Applicants have sought to accommodate the principal concerns voiced by immediate adjoining neighbors to the property: 1) The removal of a bay window on the south side; and 2) The removal of the bedroom above the garage.

STANDARD OF REVIEW

Pursuant to the Zoning Regulations of the Town of Wilton (“Zoning Regulations”), the ZBA has the authority to “vary or adjust the strict application of these Regulations in only those cases where the *unusual size, shape or topography of a lot* or other *unusual physical conditions* pertaining to it . . . make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in an exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.” (Sec. 29-13(2)) (emphasis added).

The ZBA is required to find “that there are special circumstances or conditions . . . applying to the lot . . . which are peculiar to such lot . . . and not apply generally to lots . . . in the neighborhood and which have not resulted from any willful act of the applicant. . . .” (Sec. 29-13(6)(a)). Further, the ZBA is required to find that “circumstances or conditions are such that the particular application of these Regulations would deprive the applicant of the *reasonable use of the lot* . . . and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose.” (Sec. 29-13(6)(b)) (emphasis added). Moreover, the ZBA must find that “the granting of the variance shall be in harmony with the general provisions and intent of [the] Regulations and the Town’s Plan of Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare” (Sec. 29-13(6)(c)) and “[t]hat the granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures nor upon a financial or economic hardship.” (Sec. 29-13(6)(d)).

The variances hereby requested are but two (2) in number:

- 35.0 feet setback for the existing Residence Roof-Line of the existing structure on the North Side; and
- 36.4 feet setback for the existing Residence Roof-Line of the structure on the South side of the existing structure.

The essential difficulty for Applicants is the straitened circumstance of being able to use only 20 feet of the available width of the entire lot (i.e., approximately 100 feet of lot width minus the dual 40 foot setback requirements, thereby leaving as remainder but a mere 20 feet for a structure to be located therein). Contrast this reality with the Zoning Regulations for a typical **R2A Residence** -- where **lot width** contemplates **200 feet**, with **40 foot setbacks**. The latter requirement thus contemplates 120 feet available for building in the width of the lot. **Twenty feet (20’) versus One Hundred Twenty feet (120’): an 83 AND 1/3 % difference.**

The "unusual or exceptional hardship" basis shown by Applicants, therefore, fundamentally rests upon, and derives from, the oddly configured, or "peculiar," physical condition of the lot itself: It is roughly rectangular in configuration (really almost oblong in configuration); two longer sides, two shorter sides. The shorter sides--together with the application of 40 foot side setbacks **intended for lots of at least 200 feet in width** -- result in the unduly straitened circumstance of a highly improbable building space of a **mere 20 feet of building width space for the entire length of the lot.**

Such condition of the lot proper would certainly appear to call for the issuance of a variance by the ZBA. **When the shape or condition of a subject property itself causes the difficulty, that constitutes an appropriate occasion for the Board of Zoning of Appeals to exercise its authorized powers and to issue a variance. No other lot in Wilton, in Applicants' present understanding, suffers from this same infirmity. It would appear to be a defect unique (i.e., unique to the subject property).**

The Connecticut Supreme Court has consistently held that a variance constitutes permission to act in a manner that is otherwise prohibited under a municipality's zoning laws and it is well established that the granting of a variance must be reserved for unusual or exceptional circumstances. "An applicant for a variance must show that, because of some peculiar characteristic of his property, the strict application of the zoning regulation produces an unusual hardship, as opposed to the general impact which the regulation has on other properties in the zone.... Accordingly, we have [concluded that a 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, and (2) adherence to the strict letter of the zoning ordinance must be shown to cause unusual hardship unnecessary to the carrying out of the general purpose of the zoning plan...." *Mayer-Wittmann v. Zoning Board of Appeals*, 333 Conn. 624, 640, 218 A.3d 37 (2019).

In the present proposal, the Applicants have carefully considered dwelling configuration in an effort to design a dwelling that would approximate the allowable building envelope. *Proposed setbacks are those which, essentially, already exist*, generally about 20'-36' instead of 40' required. Overall **Lot Coverage** is now not only **fully compliant**, but is **under the 12% allowed, at 7.2%**, and **Building Coverage**, is now also **under the 7% allowed, at 6.9%**.

We emphasize that had the Property been two (2) acres in size as required, or at least, wider than 100', no variance for the side setback variances would be required at all for the proposed dwelling.

The Applicants, submit that the nonconforming lot dimensions, area, and lot width, pose within the confines of a 20' wide space, an *exceptional legal hardship unique to their lot* -- not of Applicants' own making -- and thus, deprives the Applicants, of reasonable use of the lot. These *limitations* create both obvious difficulties and *unnecessary hardships* which *impair* the Applicants' 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.

The authority of the ZBA is strictly limited by Connecticut law. True enough. The ZBA Board may, however, properly acknowledge that the inherent conditions and limitations of the lot, as such conditions and limitations currently exist, and which, notably, have not been created by the Applicants. The granting of the modest variances requested, is the minimum adjustment necessary to accomplish reasonable use of the property. Moreover, the granting of the variances requested, would be in harmony with the *intent* of the Regulations and the Town's Plan of Development, and would be, in no way, injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare. **Because the hardship has not been created by the Applicants, but rather is inherent as a unique, "peculiar," and existing condition of the property configuration itself, the ZBA Board may confidently issue a Variance Permit, to the Applicants of the property.** By granting the minimum in the variances requested, the intent of the Regulations would be served because substantial justice would thereby be equally bestowed (i) upon the Applicants, who purchased the property *in good faith* (i.e., no detail of the Preliminary Title Report on the subject lot, nor any realtor -- whether seller's realtor or that of buyer) had disclosed the highly relevant detail of "nonconformity") and (ii) upon the integrity of the Zoning Regulation ordinances and their vigilant enforcement. By granting the Variance Permit to this "*unique*" property, the public health, safety, welfare, and beauty of the neighborhood, and the *intent* of the Zoning Regulations shall remain duly secured.

Robert R. Brina
Monica C. Brina
455 Thayer Pond Road
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SCHEDULE B
Supplement to Application for Variances ¹

VARIANCES REQUESTED with DIMENSIONS

Wilton Zoning Regulations Sec. 29-5 D

NORTH SIDE of RESIDENCE (Existing house to be remodeled):

SIDE YARD SETBACK:

- 1) 35.0' proposed vs. 40' required (NORTH SIDE - RESIDENCE ROOF)

SOUTH SIDE of RESIDENCE (Existing house to be remodeled):

SIDE YARD SETBACK:

- 2) 36.4' proposed vs. 40' required (SOUTH SIDE - RESIDENCE ROOF)

¹ Refer to Zoning Location Survey prepared by Ryan & Faulds Land Surveyors

BRINA RESIDENCE

455 THAYER POND RD.

WILTON, CT 06897

March 29, 2022

LIST OF DRAWINGS

S- 101 - SITE PLAN

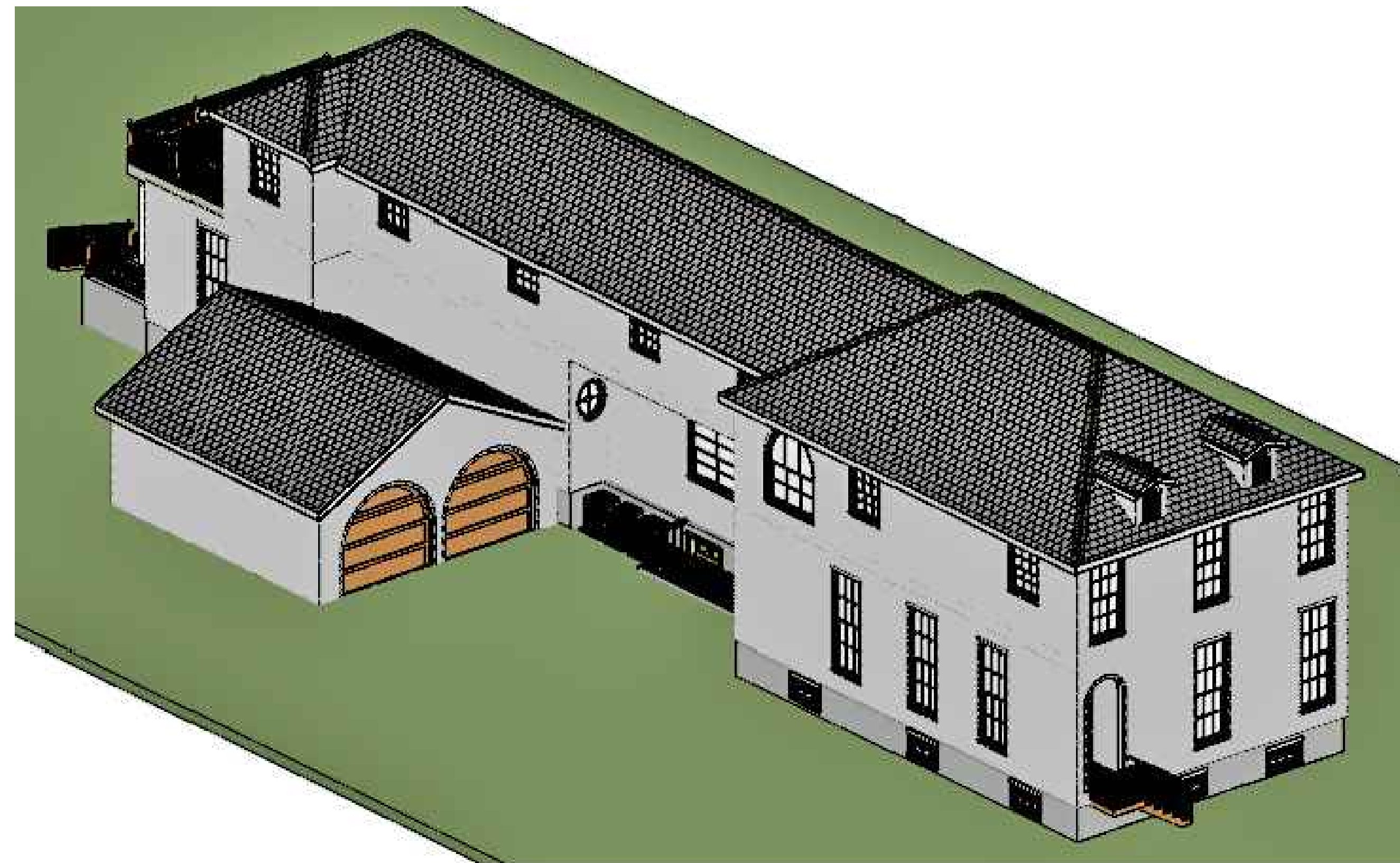
A-100 - BASEMENT FLOOR PLAN

A-101 - FIRST FLOOR PLAN

A-102 - SECOND FLOOR PLAN

A-201 - ELEVATIONS

A-202 - ELEVATIONS

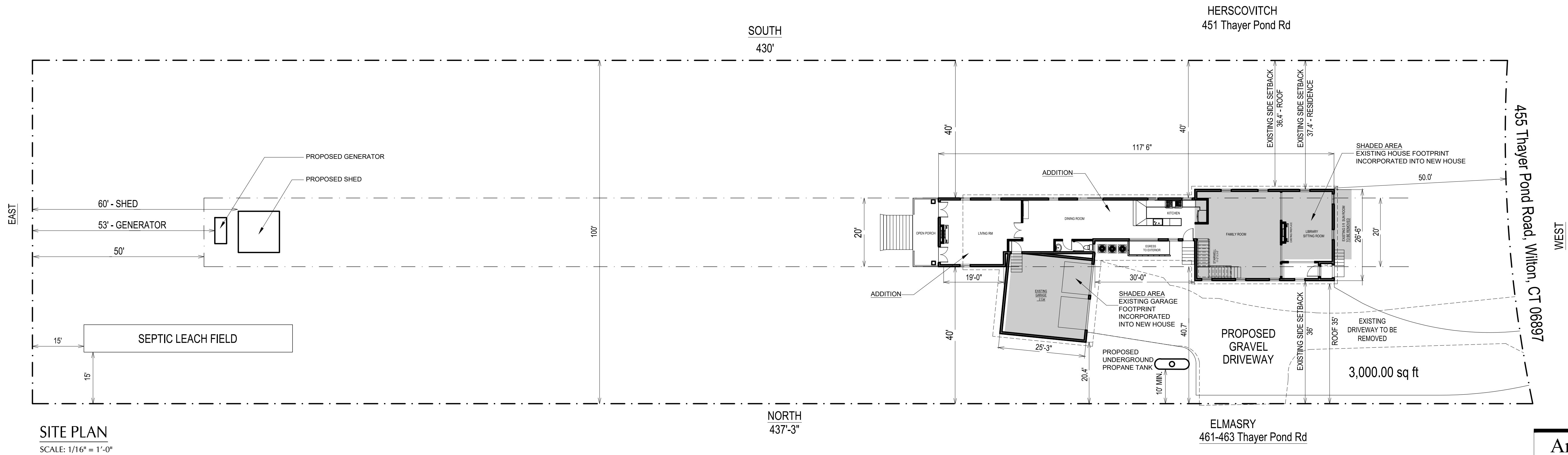


Architectural Designer: MONICA C. BRINA, CID
Balance, Harmony and Proportion Design, LLC (Reg. Trademark)

GREENWICH DESIGN ARCHITECTS

80 Greenwich Ave., Greenwich, CT 06830

Tel: 203-618-0053 - 203-550-3540



SITE PLAN
SCALE: 1/16" = 1'-0"

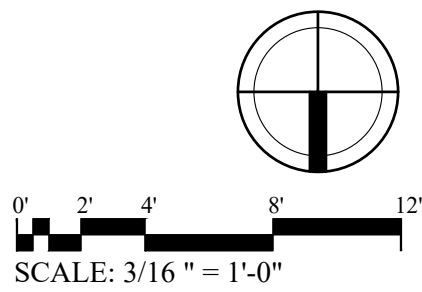
Architectural Designer
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Balance, Harmony and Proportion Design
LLC (Reg. Trademark)

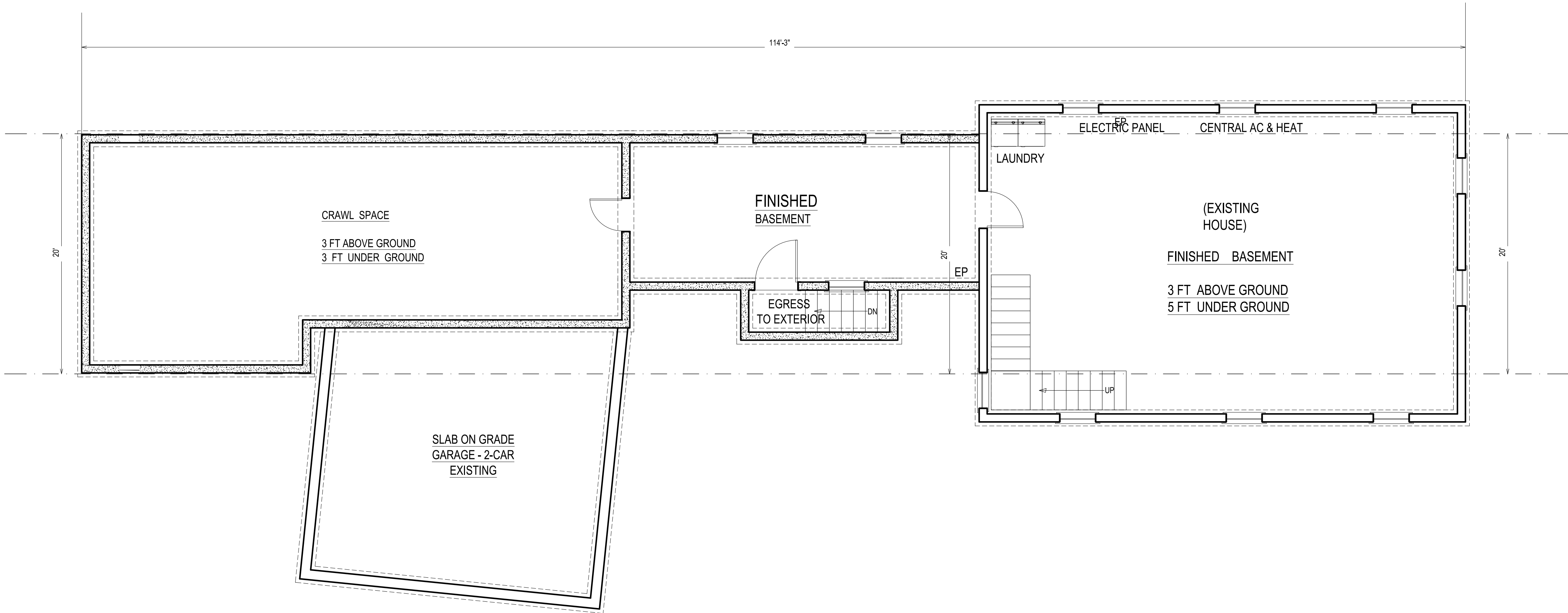
BRINA RESIDENCE
ADDITION & ALTERATIONS

455 THAYER POND RD. WILTON, CT 06897

GREENWICH DESIGN ARCHITECTS
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Tel: 203-618-0053 - (203)550-3540
CONSULTANT: OSCAR OVALLE
oscarovalle4@gmail.com

Greenwich Design Architects for Greenwich Design Architects Daniel F. Mayet, R.A.	DATE: November 10, 2021 PROJECT NO. 455-2021 DRAWING BY: O.O. CHECKED BY: O.O.
DWG NO. S-101	2 OF 6





BASEMENT FLOOR PLAN

SCALE: 3/16" = 1'-0"

Architectural Designer
MONICA C. BRINA, CID
Balance, Harmony and Proportion Design
LLC (Reg. Trademark)

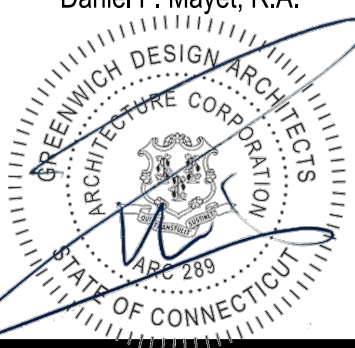
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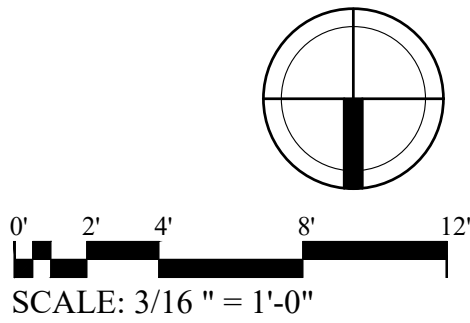
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ADDITION & ALTERATIONS

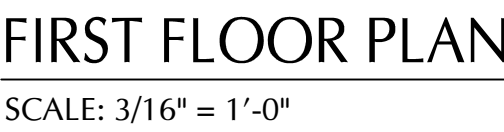
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	DWG NO. A-100 3 OF 6





EXISTING
DRIVEWAY TO BE
REMOVED

Architectural Designer
MONICA C. BRINA, CID
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BRINA RESIDENCE

ADDITION & ALTERATIONS

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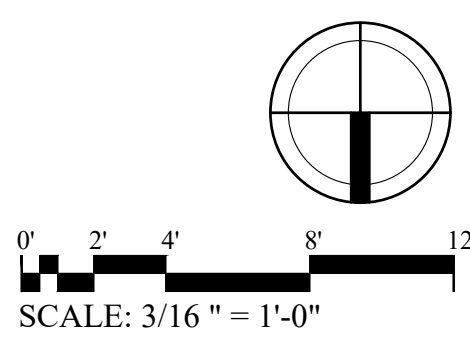
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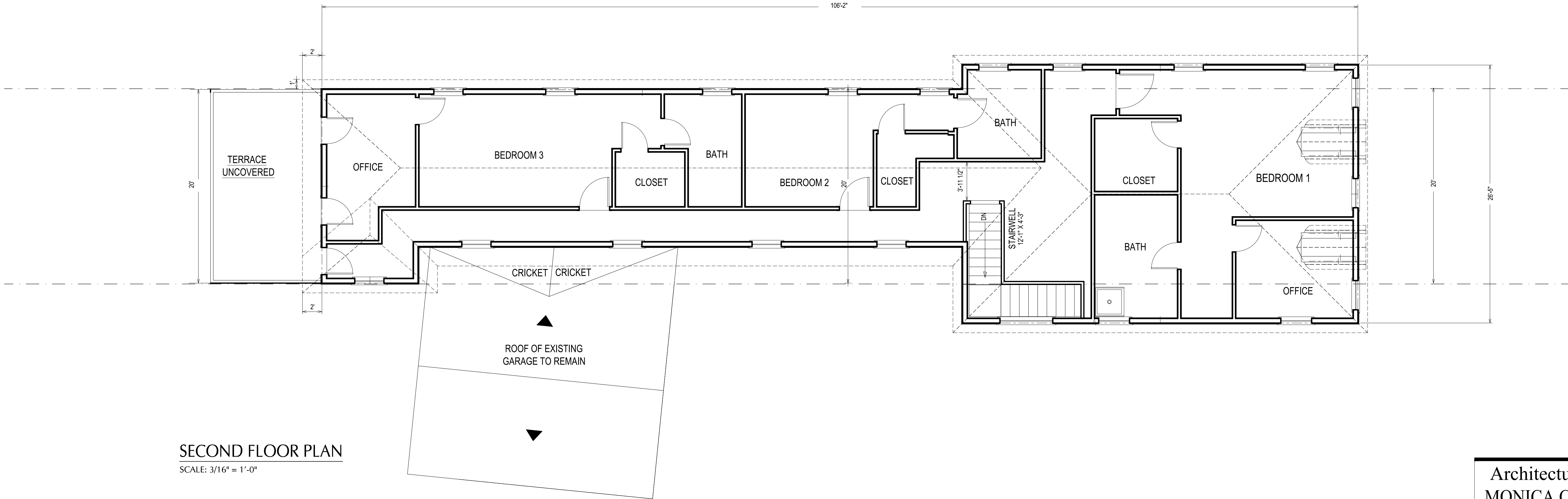
DWG NO. _____

NO. **A-101**

3 OF 6



ENTIRE ADDITION LIES
WITHIN 20' ALLOWABLE



SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"

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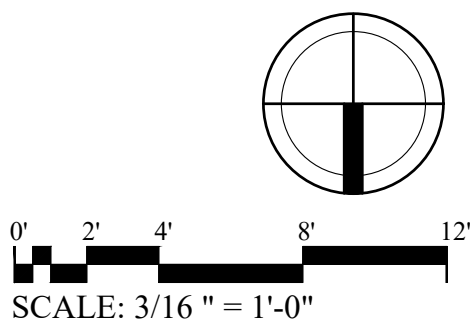
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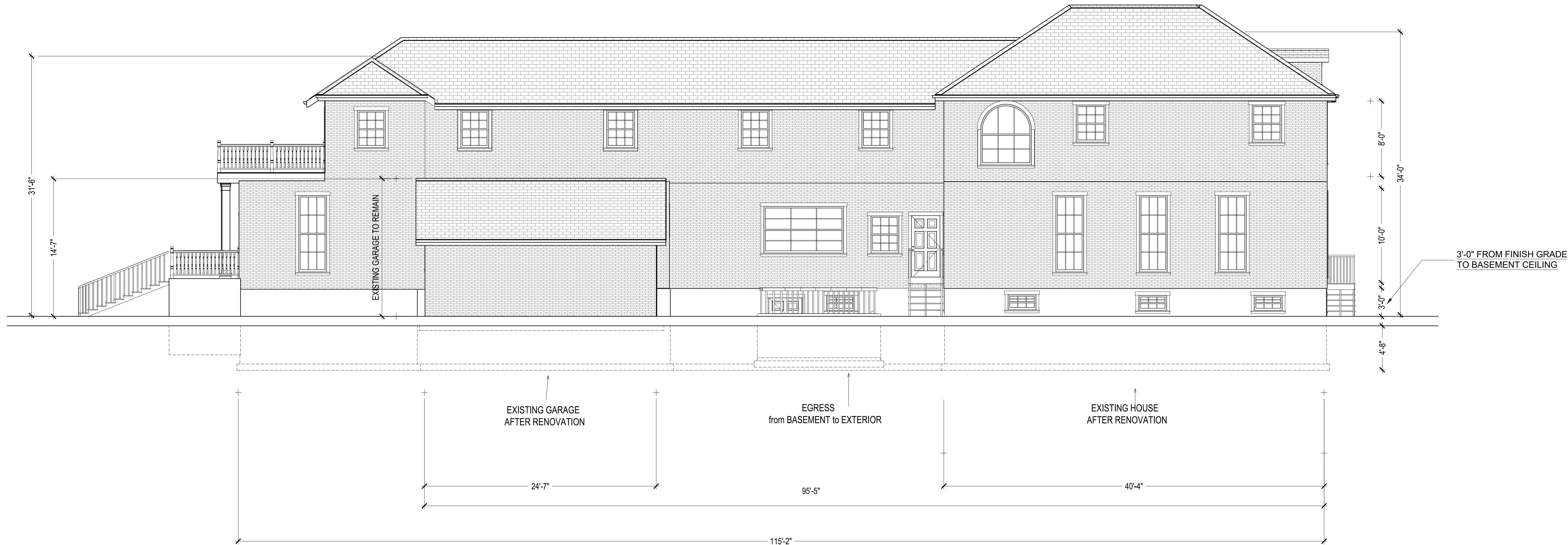
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Greenwich Design Architects for Greenwich Design Architects Daniel F. Mayet, R.A.	DATE: November 10, 2021 PROJECT NO. 455-2021 DRAWING BY: O.O. CHECKED BY: O.O.
	DWG NO. A-102 4 OF 6

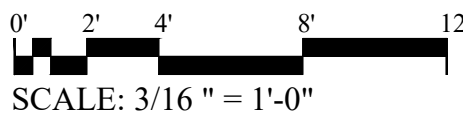




NORTH ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"



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BRINA RESIDENCE
ADDITION & ALTERATIONS

455 THAYER POND RD. WILTON, CT 06897

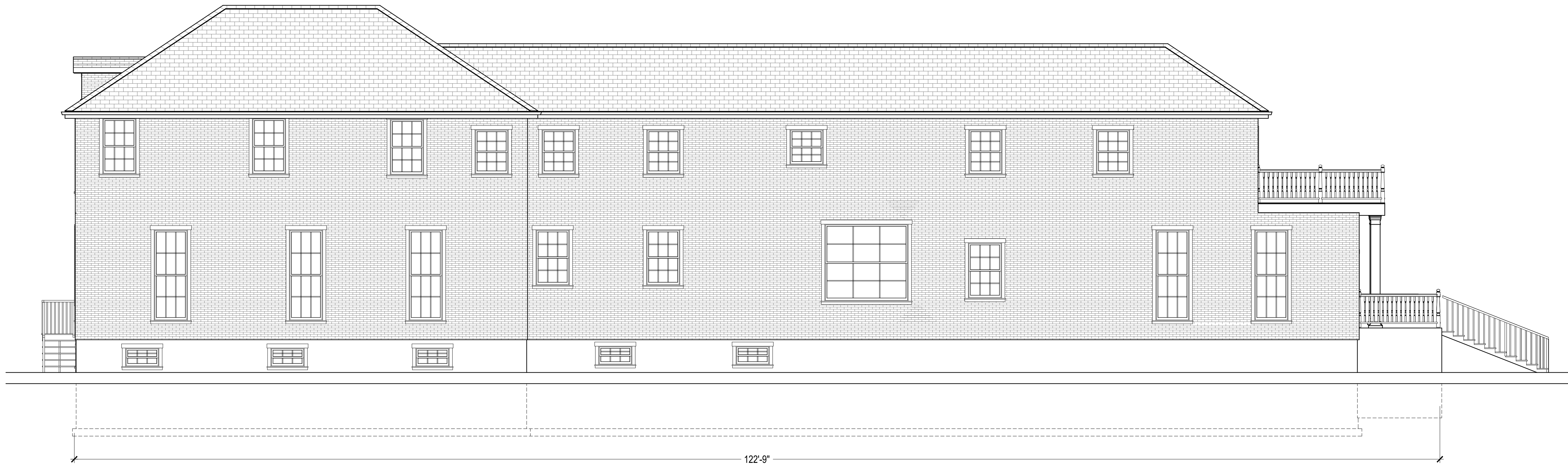
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Greenwich Design Architects
for Greenwich Design Architects
Daniel F. Mayet, R.A.

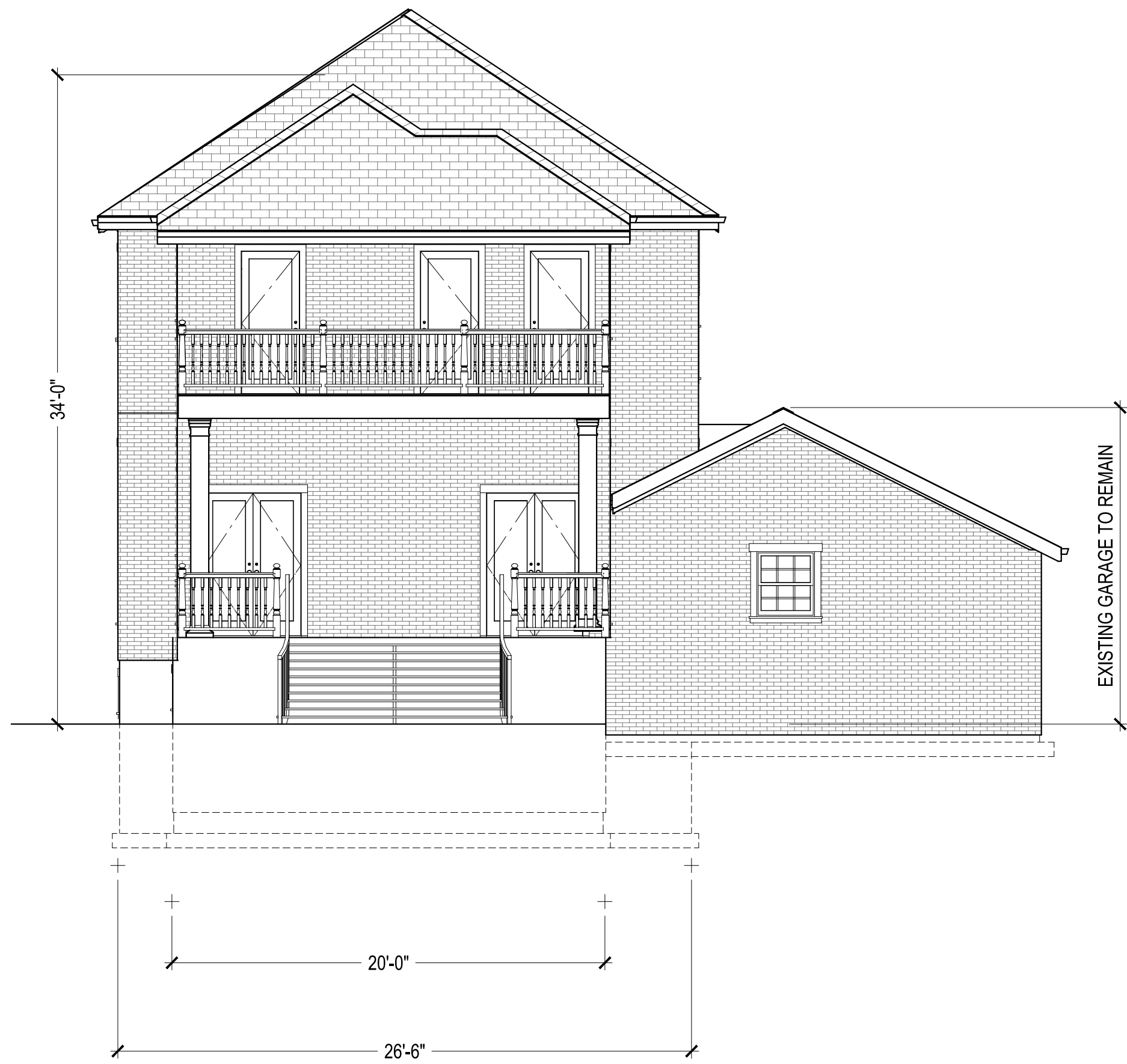
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DRAWING BY: O.O.
CHECKED BY: O.O.

DWG NO.
A-201
5 OF 6



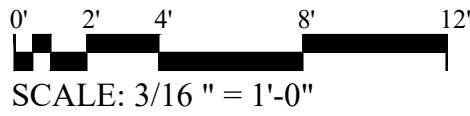
SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



EAST ELEVATION

SCALE: 3/16" = 1'-0"



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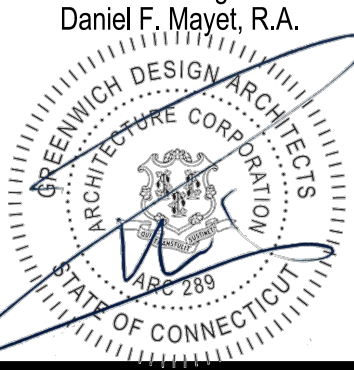
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ADDITION & ALTERATIONS

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