

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.)

Nicole Woods & Samuel Levy			38 Salem Road		
APPLICANT'S NAME			ADDRESS		
Nicole Woods & Samuel Levy			Wilton, CT 06897		
OWNER'S NAME			ADDRESS		
85 56'20" E/W; 09 17'20"			R-1A Residence		
PROPERTY LOCATION			ZONING DISTRICT		
2943	2546	465	55-56	8	1.128
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 a variance of Section 29-5.D to allow propane tanks with a 13.4' side yard setback in lieu of the required 30 feet. This variance would allow the propane tanks to be relocated per updated building code regulations that were noted during the permitting process submitted by Tyler Heating, Air Conditioning, LLC in April 2022 while improving the quality, efficiency and environmental impact of the home's HVAC systems. Propane tanks would be placed adjacent to--but with required distance from--other mechanicals and building fresh air sources.

Request a variance of Section 29-5.D to allow a generator with a 26' side yard setback in lieu of the required 30 feet. This variance would allow the generator to be placed in an optimal location near corresponding propane tanks, but with the required distance from other mechanicals and building fresh air sources per building codes and manufacturers. Generator permit application already submitted separately by GT Electric, LLC in May-June 2022.

Both the propane tanks and generator will be hidden from the street and any neighbors' view behind the existing 6' wood privacy fence. Additional landscaping and/or wooden box covers that follow guidelines from the equipment manufacturing companies will be considered to further reduce visibility.

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.

Building is non-conforming to current side yard setbacks in zoning district, which creates unusual hardship. For that reason, coupled with the pre-existing location of underground utilities such as septic tank, separate septic leeching fields, main sewage drainage line, sump pump drainage line, and electrical line, means that placing these items 30' in from side property lines or underground would impede reasonable, safe use of this residential property.

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 ☒ **NO**

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 ☒ **NO**

WHEN WAS THE SUBJECT PROPERTY **PURCHASED**? 01/14/2002

IN WHAT YEAR WAS THE MAIN STRUCTURE **CONSTRUCTED**? 1967

SITE COVERAGE PROPOSED: <1% **BUILDING COVERAGE PROPOSED:** 0%
(AS PERCENTAGE OF SITE) (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.

Nicole Wood 06/24/22 nikkiwoods22@gmail.com 203-246-8091
APPLICANT'S SIGNATURE DATE EMAIL ADDRESS TELEPHONE

Sam W 06/24/22 salevy20@gmail.com 917-620-8901
OWNER'S SIGNATURE DATE EMAIL ADDRESS TELEPHONE

ZONING BOARD OF APPEALS
TOWN OF WILTON, CONNECTICUT
Town Hall Annex, 238 Danbury Road, Wilton, CT 06897

HELPFUL INFORMATION FOR VARIANCE APPLICATIONS

1. WHAT IS A VARIANCE? A VARIANCE is an exception granted by the Zoning Board of Appeals (ZBA) from the terms or standards of the Zoning Regulations for an individual property where, because of special conditions, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship. However, a variance **MUST** still be in harmony with the general intent of the Town's Plan of Conservation and Development and not contrary to public welfare.
2. The granting of a VARIANCE is a fine balance between attempting to maintain the Town's Plan of Conservation and Development of uniformly regulated districts, and the need to provide relief from the terms or standards in individual circumstances. VARIANCES are granted only for individual parcels and for particular purposes.
3. It is the applicant's obligation to present and establish hardship. Financial impacts or self-created conditions or an inability to use a property at its maximum potential or reasons that the proposed change would not adversely affect the neighborhood are not considered a hardship in this context. Hardship is generally seen as a physical or restrictive imposition beyond the reasonable control of the owner.
4. The ZBA may attach conditions to a granted VARIANCE in order to make them more in harmony with the purpose of the Zoning Regulations. Typical conditions that could be attached to a setback variance might include the installation of a screen or buffer.
5. Prior to submitting an application for a residential or commercial variance, please consult with the office staff and become familiar with the current Zoning Regulations which apply towards the property or project in question. The office staff can help answer questions and guide you in finding the information required for a complete application. Professional Land or Resource Planners and Land Use Attorneys may also be helpful.
6. Complete applications for either a RESIDENTIAL or COMMERCIAL PROPERTY VARIANCE are received in the ZBA Office, located within the Planning and Zoning (P&Z) Office in the Town Hall Annex, 238 Danbury Road, Wilton, CT, 06897. The office is open Monday through Friday, 8:00 A.M. to 4:00 P.M. Telephone: (203) 563-0185.
7. Please **TYPE** or print clearly all materials and application forms.
8. The deadline for receipt of a completed application is the **TWENTY FIFTH (25) of EACH MONTH**, for eligibility for a PUBLIC HEARING the following month. Only a complete application can be accepted.
9. The ZBA has scheduled meetings on the third Monday of each month, excluding August. If the third Monday is a holiday, the meeting is held on Tuesday. A copy of the official meeting schedule may be obtained online: [Application Forms / Materials | Wilton CT](#)
10. Much of the required information may be found by researching the land records online, per instructions provided. .

BRIEF EXPLANATION OF REQUIRED APPLICATION MATERIALS

<u>WLR MAP #</u>	Wilton Land Record map number filed in the Town Clerk's Office.
<u>VOLUME and PAGE</u>	Deed reference filed in the Town Clerk's Office. Also available here under Book & Page: Vision Government Solutions (vgsi.com)
<u>TAX MAP #, LOT #</u>	Refers to Assessor's records. Available here: Vision Government Solutions (vgsi.com) .
<u>ACREAGE</u>	Refers to the acreage of the subject parcel.

<u>LOCATION MAP</u>	Available here: map.pdf (wiltonct.org)
<u>CLASS A-2 SURVEY MAP</u>	Prepared by a licensed Connecticut Land Surveyor. Consult Town Clerk's Office and/or Building Dept microfiche for filed surveys.
<u>SITE DEVELOPMENT PLAN</u>	A map drawn to scale and in tandem with the above survey showing the existing and proposed conditions, including building elevations.
<u>LIST OF PREVIOUS ZONING VARIANCES</u>	Recorded in the Town Clerk's Office and also available here: History of Previous Variances Wilton CT
<u>LIST OF OWNERS WITHIN 500'</u>	Name and <u>mailing</u> address of the owners of properties within 500 feet of any portion of the subject property, including public and semi-public parcels. Directions here: owner_list_500_ft_gis_directions_0.pdf (wiltonct.org)

ZONING INFORMATION

ITEM	REQUIRED/ PERMITTED		EXISTING	PROPOSED
ZONE: R-1A RESIDENCE				
FRONT SETBACK:	40'	MIN.	128.4'	128.4'
REAR:	40'	MIN.	194.6'	194.6'
SIDE:	30'	MIN.	20.9'	20.9' (EX. DWELLING) 11.5' (PRO. PROPANE TANKS) 26.4' (PRO. GENERATOR)
LOT WIDTH:	150'	MIN.	126.48'	126.48'
LOT AREA:	43,560 S.F.	MIN.	49,141 S.F.	49,141 S.F.
LOT COVERAGE- BUILDING:	10% = 4,914 S.F.	MAX.	2,935 S.F. = 6.0%	2,935 S.F. = 6.0%
LOT COVERAGE- SITE:	15% = 7,371 S.F.	MAX.	2,320 S.F. = 12.5%	2,320 S.F. = 12.5%

VARIANCES REQUIRED (SEC. 29-5.D.)

SIDE YARD SETBACK OF 13.4' (PROPANE TANKS) IN LIEU OF 30' MINIMUM REQUIRED

SIDE YARD SETBACK OF 26' (GENERATOR) IN LIEU OF 30' MINIMUM REQUIRED

NOTES:

- This survey has been prepared in accordance with Sections 20-300b-1 thru 20-300b-20 of the Regulations of Connecticut State Agencies and the Standards for Surveys and Maps in the State of Connecticut as adopted by the Connecticut Association of Land Surveyors, Inc. as a Zoning Location Survey the Boundary Determination Category of which is a Resurvey conforming to Horizontal Accuracy Class A-2 and intended to be used for Zoning Board of Appeals application purposes.
- Reference is made to Warranty Deed found in Vol. 2546, Pg. 465 of Wilton Land Records (W.L.R.).
- Reference is made to the following on file with W.L.R.: Vol. 2546, Pg. 465 - Warranty Deed Vol. 116, Pg. 614 - Grant in favor of CL&P
- Reference is made to Lots 8, Map 2493 W.L.R.
- Reference is made to FEMA Flood Insurance Rate Map No. 09001C0391F, Effective Date 6/18/2010. Subject Parcel does not lie within a Special Flood Hazard Area.
- Inland wetlands, if any, not identified prior to field survey.
- Reference is made to instruments of record as labeled hereon.
- Reference is made to Tax Assessor Map 55, Lot 56.
- Septic tank depicted hereon is based on "As-Built Plan" on file with the Town of Wilton Health Department. Septic field area flagged by Septic Company.
- Subsurface utility, structure and facility locations depicted hereon have been compiled, in part, from municipal records and field locations of underground utility paint. These locations must be considered as approximate, may not be complete and other such features may exist on the site. The size, location and existence of all such features must be verified by the appropriate authorities prior to construction.

ZONING LOCATION SURVEY

DEPICTING

PROPOSED GENERATOR AND PROPANE TANKS
38 SALEM ROAD

PREPARED FOR

NICOLE WOODS & SAMUEL LEVY
WILTON, CONNECTICUT

JUNE 17, 2022

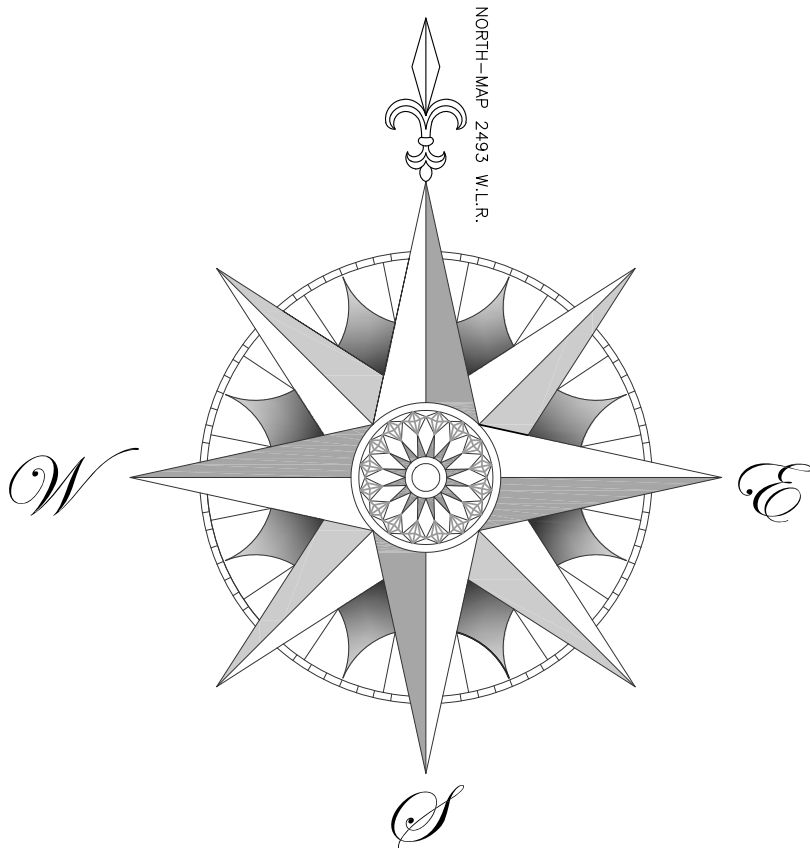
SCALE 1" = 20'

To my knowledge and belief this map is substantially correct as noted hereon

Lawrence W. Posson, Jr.
LAWRENCE W. POSSON, JR., CT. L.S. #16130
6/24/2022
DATE

Ryan and Faulds
LAND SURVEYORS | A Redniss & Mead Company

57 DANBURY ROAD, SUITE 203
WILTON, CT 06897
Ph. (203) 762-9492 ryanandfaulds.com



N/F
ROBERT & RHODA DIX and
LAUREN & MAX RUBIN TRUSTEE'S
#42 SALEM ROAD
DEED VOL. 2485, PG. 819 W.L.R.
LOT 9, MAP 2493 W.L.R.

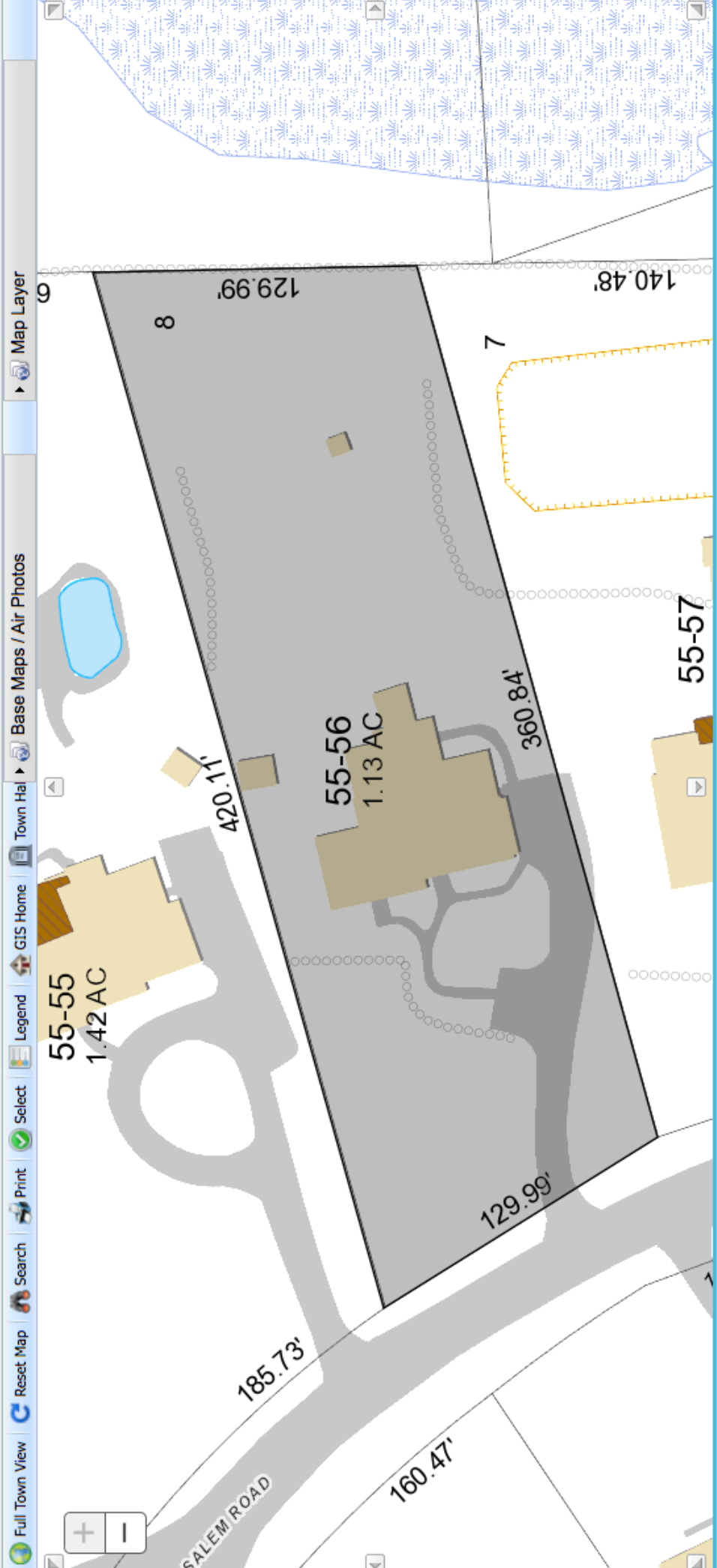
20' STORM DRAINAGE EASEMENT
MAP 2493 W.L.R.

PROPOSED LOCATION
OF PROPANE TANKS

PROPOSED
GENERATOR

LOT 8, MAP 2493 W.L.R.
1.128 ACRES

N/F
STEPHEN D. & DIANE R. MILLAS
WASHINGTON POST DRIVE
DEED VOL. 1076, PG. 350 W.L.R.

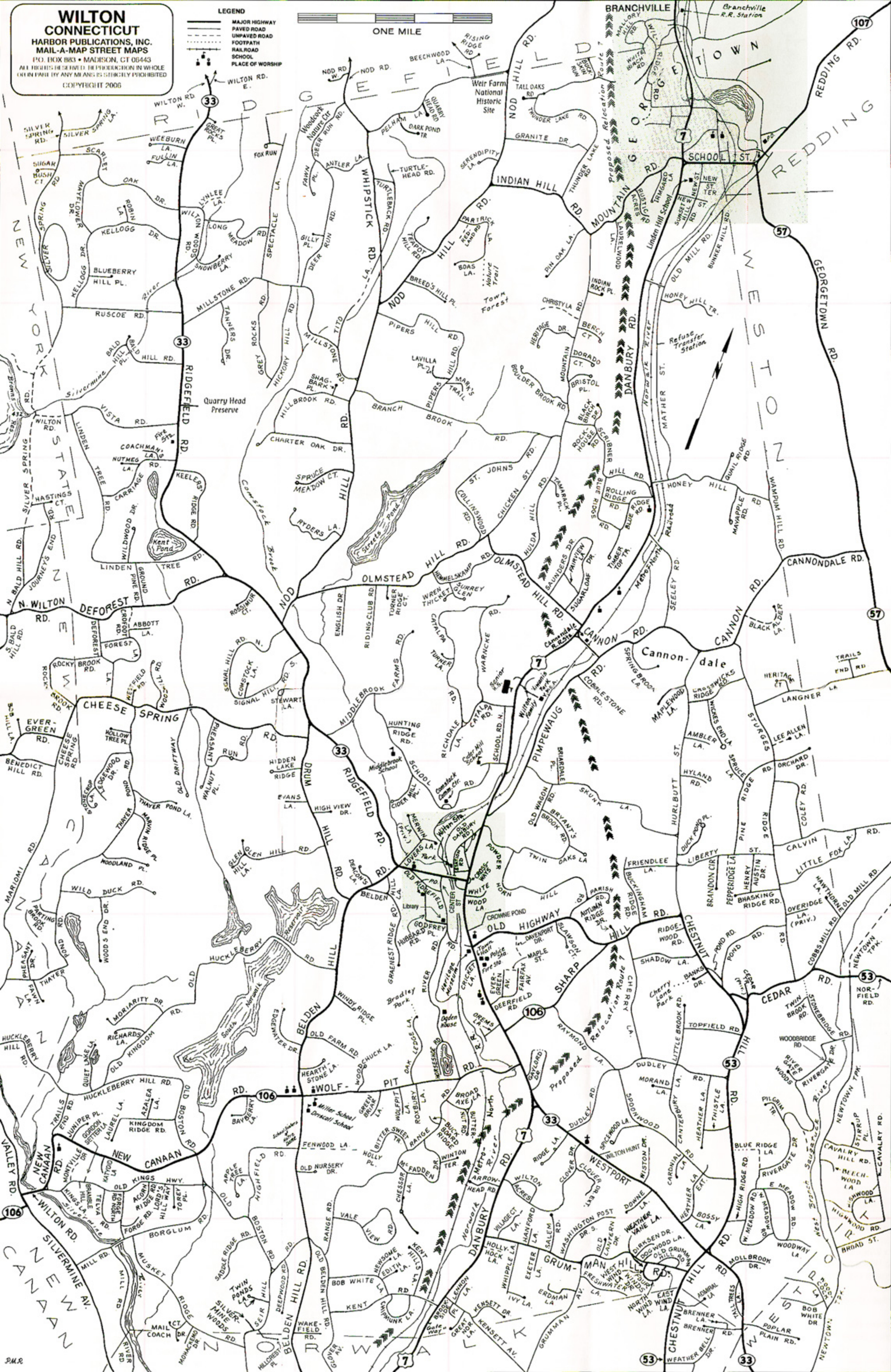


WILTON CONNECTICUT
HARBOR PUBLICATIONS, INC.
MAIL-A-MAP STREET MAPS
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LEGEND

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

ONE MILE



← from WILTON TOWN HALL, 238 Danbury Rd, Wilto...
to Home (38 Salem Rd)

5 min (2.2 miles)

via US-7 S

Fastest route now due to traffic conditions



WILTON TOWN HALL

238 Danbury Rd, Wilton, CT 06897

> Take Cricket Ln to US-7 S

27 s (318 ft)

> Follow US-7 S to Grumman Hill Rd

4 min (1.6 mi)

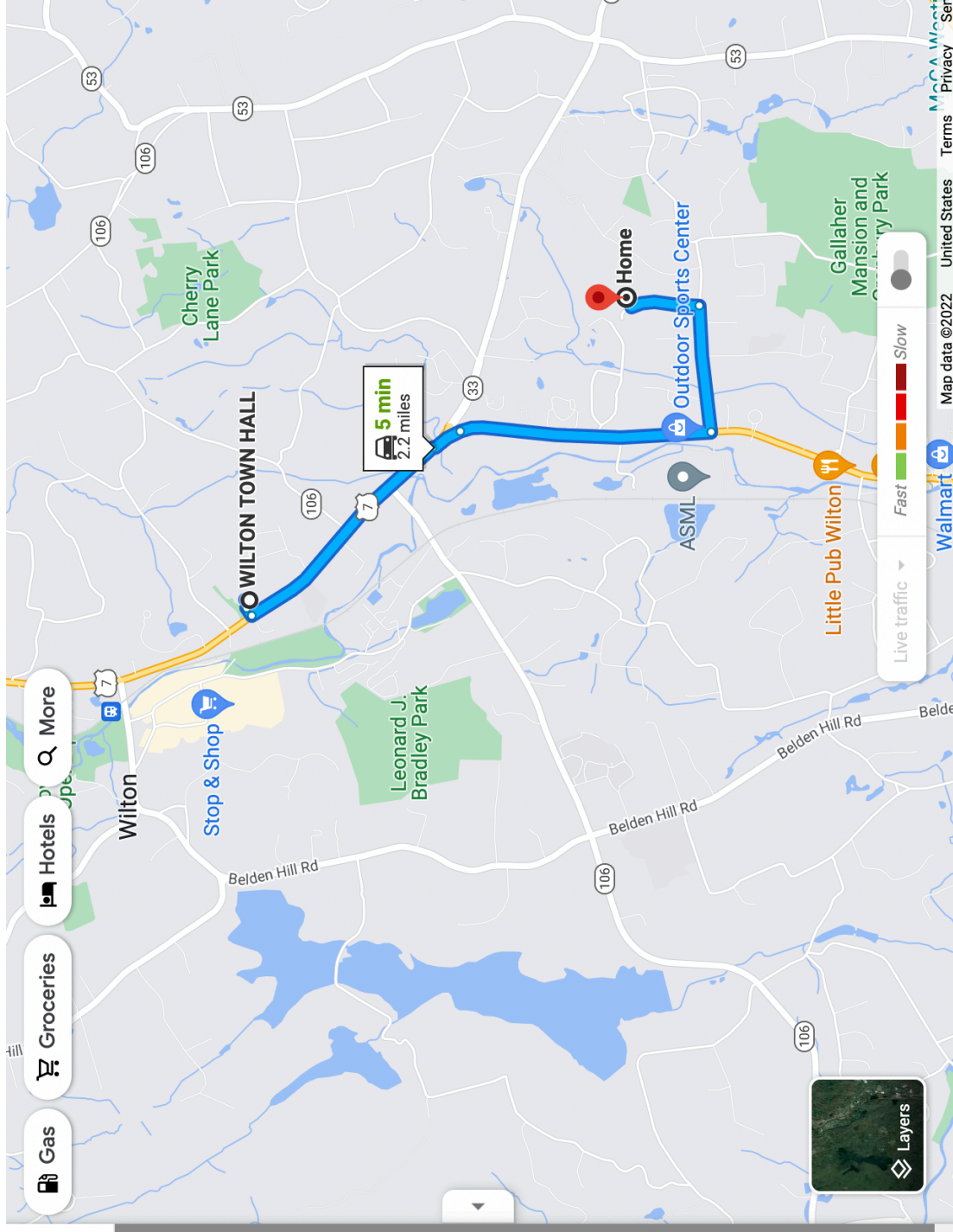
> Continue on Grumman Hill Rd. Drive to Salem Rd

2 min (0.6 mi)

38 Salem Rd

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.



After recording, please forward to:

Mr. Samuel Levy and
Ms. Nicole Woods
38 Salem Road
Wilton, CT 06897

WARRANTY DEED - STATUTORY FORM


TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, KNOW YE THAT **Jurgen M. Lippert**, of 38 Salem Road, Wilton, Connecticut 06897 for consideration of **One Million Four Hundred Thousand 00/100 DOLLARS (\$1,400,000.00)**, grants to **Nicole Woods and Samuel Levy** as joint tenants with rights of survivorship of 1207 SE 73rd Avenue, Portland, Oregon 97215 with WARRANTY COVENANTS, all that certain real property known as **38 Salem Road, Wilton, Connecticut 06897**, being more particularly described in *Schedule A* attached hereto and made a part hereof.

Said Premises are conveyed subject to:

1. Any and all provisions of any municipal, ordinance or regulation or public law with special reference to the provisions of any zoning regulations and regulations governing the said Premises.
2. 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. Such additional encumbrances, if any, as more particularly set forth in *Schedule A* attached hereto.

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 Grantors have caused these presents to be executed on this 6th day of January, 2022.



Jurgen M. Lippert, Grantor

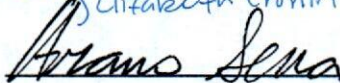
Signed, sealed and delivered in the presence of or attested by:

Witness:



Elizabeth Cronin

Witness:



Frances Sena

STATE OF NEW YORK

}
} ss.
}

COUNTY OF WESTCHESTER

Personally appeared Jurgen M. Lippert, 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 executed the same for the purposes therein contained in the capacity therein stated, before me, on this 6th day of January, 2022.

Frances Sena
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02SE6313883
Qualified in Westchester County
Commission Expires 10/27/2022



Notary Public

SCHEDULE A

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece or parcel of land, together with the buildings and improvements thereon, situated in the Town of Wilton, County of Fairfield and State of Connecticut, shown and delineated as Lot No. 8 on a certain map entitled, "Map of Subdivision Prepared for Alvah B. Kellogg, Wilton, Conn., Scale 1" = 40', Oct. 1, 1964, Revised Feb. 23, 1964", certified substantially correct by Leo Leonard, Civil Engr. and Surveyor, on file in the Office of the Wilton Town Clerk as Map No. 2493, reference to such map being hereby made and had for a more particular description hereof. TOGETHER WITH a right of way for all lawful purposes in, over and upon Salem Road, so-called, to and from the public highway, in common with others.

Said premises are conveyed subject to:

1. Real estate taxes to the Town of Wilton hereinafter due and payable.
2. Grant in favor of The Connecticut Light and Power Company dated November 26, 1965 and recorded in Volume 116 at Page 614 of the Wilton Land Records.
3. Notations, storm drainage easement, facts and conditions shown on Map No. 2493 on file in the Office of the Wilton Town Clerk.

WORKSHEET TO USE WHEN LISTING NEIGHBORING PROPERTY

OWNERS Please see directions for compiling list at: [owner_list_500_ft_gis_directions.pdf](#)

(wiltonct.org) Be sure you address the envelopes with the mailing address of all owners.

Map #	Lot #	Name/Address of neighboring property owners		Map #	Lot #	Name/Address of neighboring property owners
54-34		COURTNEY & BRANDON DUTT 17 SALEM RD WILTON, CT 06897		54-49		MARC & JEANETTE CALABRESE 90 WASHINGTON POST DR WILTON, CT 06897
54-35		MICHAEL & ROBIN HOUSE 23 SALEM RD WILTON, CT 06897		54-50		KENNETH & AMY BERNHEIM 92 WASHINGTON POST DR WILTON, CT 06897
54-36		FREDERICK & PATRICIA HILL 30 SALEM ROAD WILTON, CT 06897		54-51		BRANDON & HOLLY ZANE 102 WASHINGTON POST DR WILTON, CT 06897
54-37		ASHOK & BIPUL JHA 24 SALEM RD WILTON, CT 06897		54-89		FRANK & CAROL BALL 80 WASHINGTON POST WILTON, CT 06897
54-38		DOMINICK & LAURIE MUSILLI 18 SALEM RD WILTON, CT 06897		54-90		JUDE & PIA SCAGLIONE 93 WASHINGTON POST DR WILTON, CT 06897
54-44		EDWARD & KIMBERLY YORK 111 WASHINGTON POST WILTON, CT 06897		55-9		MAREK & TERESA MAULTZ 15 WILTON ACRES WILTON, CT 06897
54-45		WILLIAM KINGSTON 107 WASHINGTON POST DR WILTON, CT 06897		55-41		IVENETH MACINTYRE 72 CLOVER DR WILTON, CT 06897
54-46		STEPHEN & DIANE MILLAS 101 WASHINGTON POST WILTON, CT 06897		55-42		JOHN & SHIN DENNEEN 83 HIGHFIELD RD WILTON, CT 06897

54-47		MARK JOSEPH THOMFORD 97 WASHINGTON POST DR WILTON, CT 06897		55-43		CAROL KRAMER 30 WILTON ACRES WILTON, CT 06897
55-44		AURORA MOYA 20 WILTON ACRES WILTON, CT 06897		55-52		EINAR & BJORG MOLL 29 SALEM RD WILTON, CT 06897
55-45		YURJ KHANAS 18 WILTON ACRES WILTON, CT 06897		55-53		KEVIN & JANINE CLEARY 37 SALEM RD WILTON, CT 06897
55-50		NIGEL & LINDA BOWERS 28 HANFORD LA WILTON, CT 06897		55-54		MATTHEW ZAREMSKI 41 SALEM RD WILTON, CT 06897
55-51		DEREK KARIM 22 HANFORD LA WILTON, CT 06897		55-55	9	ROBERT & RHODA DIX 42 SALEM RD WILTON, CT 06897
55-57	7	QINGYU TANG 34 SALEM RD WILTON, CT 06897		55-63-2		RUSSELL ALBER 35 WILTON ACRES WILTON, CT 06897

3567						
3568						
3569	St. Johns Rd					
3570		??	Budreckas	to constr addition to a pre-ex'g nonconforming structure 33' from side prop line in lieu of 40'	Granted	80-9-26
3571						
3572		114	Sisk	to allow constr of ground level deck to pre-ex'g nonconforming structure 33' from rear prop line in lieu of 50'	Granted	81-1-3
3573						
3574		150	Whayne	for in-ground swimming pool	Granted	73-6-31
3575						
3576						
3577	Salem Rd					
3578		2	Gilbertie Plumbing & Heating	An appeal under State Statutes 8-7 & Wilton Regs Article IV Sect 29-71.8 from a determination of the Zoning Enforcement Officer vs. Patrick J. Gilbertie, III doing business as Pat Gilbertie, Plumbing & Heating at the address	Postponed til May	88-04-09

	A	B	C	D	E	F	G	H
2	Street Name	Street #	Owner	Variance Description	Status	ZBA #		
3579								
3580		30	Brown	to permit enclosure of ex'g porch 29.4' from side prop line in lieu of 30'	Granted	79-5-25		
3581								
3582		34	Shield	to permit tennis court 5' & 5' from side yard setbacks in lieu of 15', addition 28' from side yd setback in lieu of 30'	Tennis ct granted w/condition; addition granted	82-9-30		
3583								
3584								
3585	Sasqua Tr							
3586								