

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

Kellogg Bros. Inc	167 Olmstead Hill Rd., Wilton, CT 06897				
APPLICANT'S NAME	ADDRESS				
Paul Nessel	113 Portland Ave., Wilton, CT 06897				
OWNER'S NAME	ADDRESS				
113 Portland Ave., Wilton, CT 06897	R1A				
PROPERTY LOCATION	ZONING DISTRICT				
834/2498 2206 0088 13 5 .27					
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 installation of air conditioning condensers with a 18.4 foot rear yard setback in lieu of the required 40, a 25.0 foot front setback in lieu of required 40 feet, a 22.2 foot side setback in lieu of required 30 foot and an increase in site coverage by 8 sq.ft. Existing site coverage is 23.53%, Proposed site coverage is 23.60%. Required max site coverage is 15%

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.

The lot is an existing non-conforming lot with an the existing single family residence built in the year 1940. The widest area of the lot is only 48.96' and the size of the lot is only 0.27 acre. There is no location on the lot that meets the required setback for installing an air conditioning condenser.

The location chosen for the condensers is out of any ling of sight from any neighbors or streets.

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**? 10/05/2011

IN WHAT YEAR WAS THE MAIN STRUCTURE **CONSTRUCTED**? 1940

SITE COVERAGE PROPOSED: 23.60%
(AS PERCENTAGE OF SITE)

BUILDING COVERAGE PROPOSED: _____
(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 Tucker DATE 7/12/22 EMAIL ADDRESS tucker@kelloggbrothers.com TELEPHONE 203-943-9924
OWNER'S SIGNATURE Paula DATE 7/12/22 EMAIL ADDRESS paulesse@gmail.com TELEPHONE 603-686-6161

DISCLAIMER —

IT IS THE RESPONSIBILITY OF THE CLIENT, CONTRACTOR, OR SUBCONTRACTOR TO IDENTIFY THE LOCATION OF ALL UTILITIES, BOTH UNDERGROUND AND ABOVEGROUND PRIOR TO EXCAVATION. THIS SURVEY DOES NOT SHOW, NOR IS IT INTENDED TO SHOW, UTILITIES THAT SERVE OR CROSS THIS PARCEL OR ADJACENT LAND.

ERIC J. KRISTOFFERSEN, L.S., ASSUMES NO LIABILITY FOR DAMAGE OF UTILITIES BY ANY PARTY UTILIZING THIS MAP FOR ANY PURPOSE.

NOTES

THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS AN IMPROVEMENT LOCATION SURVEY BASED ON A DEFENDENT RESURVEY CONFORMING TO HORIZONTAL CLASS A-2 STANDARDS.

ZONE — R-1

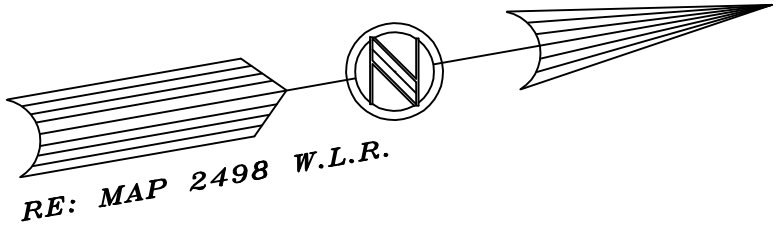
REFER TO MAPS NUMBERED 834 AND 2498 WILTON LAND RECORDS AND NUMBERMAP 571 RIDGEFIELD LAND RECORDS

EASEMENTS, ENCROACHMENTS OR UNDERGROUND UTILITIES, IF ANY, MAY NOT BE SHOWN

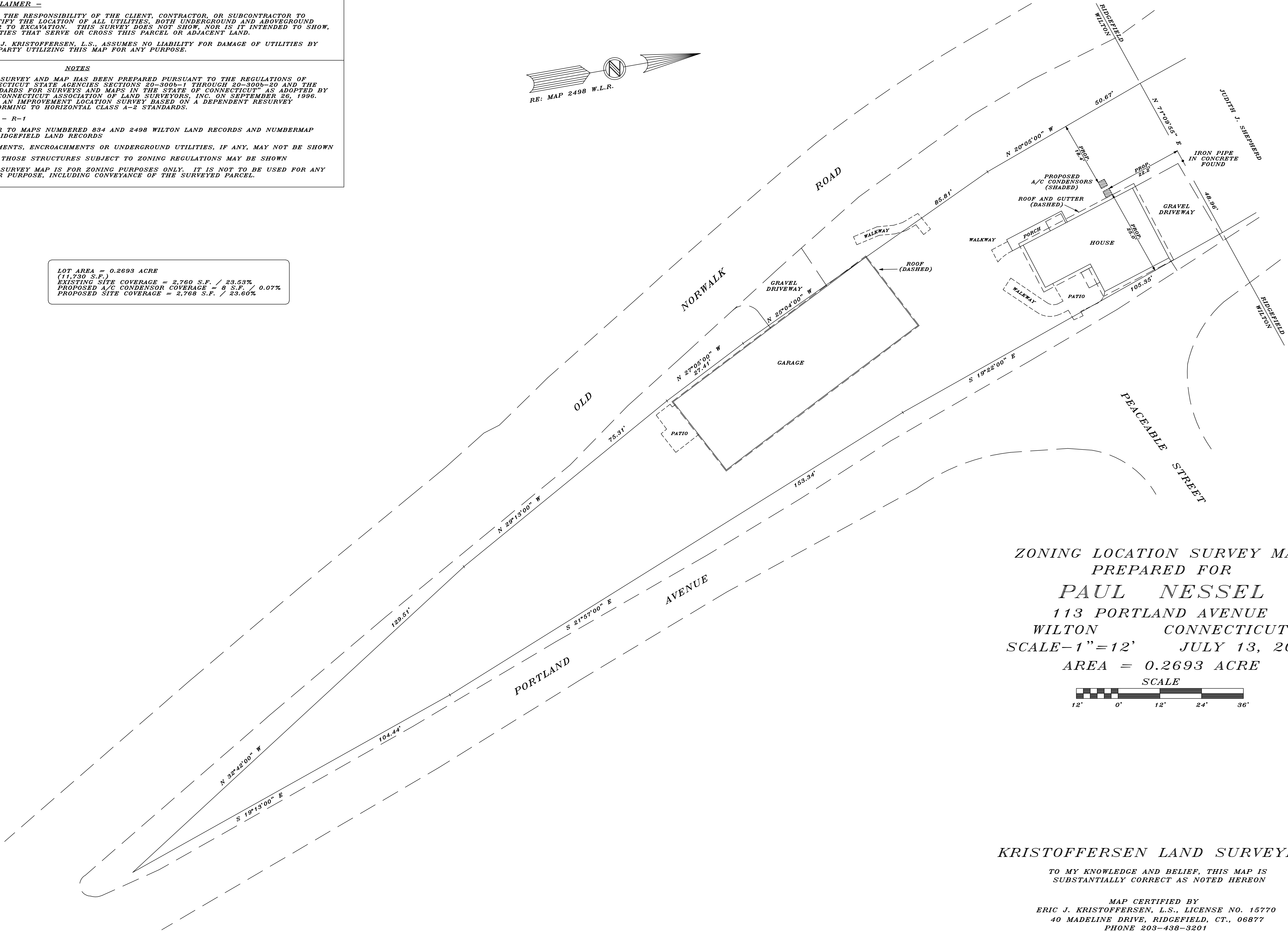
ONLY THOSE STRUCTURES SUBJECT TO ZONING REGULATIONS MAY BE SHOWN

THIS SURVEY MAP IS FOR ZONING PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE, INCLUDING CONVEYANCE OF THE SURVEYED PARCEL.

LOT AREA = 0.2693 ACRE
(11,730 S.F.)
EXISTING SITE COVERAGE = 2,760 S.F. / 23.53%
PROPOSED A/C CONDENSOR COVERAGE = 8 S.F. / 0.07%
PROPOSED SITE COVERAGE = 2,768 S.F. / 23.60%



RE: MAP 2498 W.L.R.



ZONING LOCATION SURVEY MAP
PREPARED FOR

PAUL NESSEL

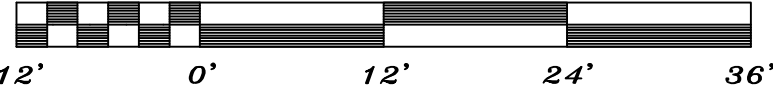
113 PORTLAND AVENUE

WILTON CONNECTICUT

SCALE—1"=12' JULY 13, 2022

AREA = 0.2693 ACRE

SCALE



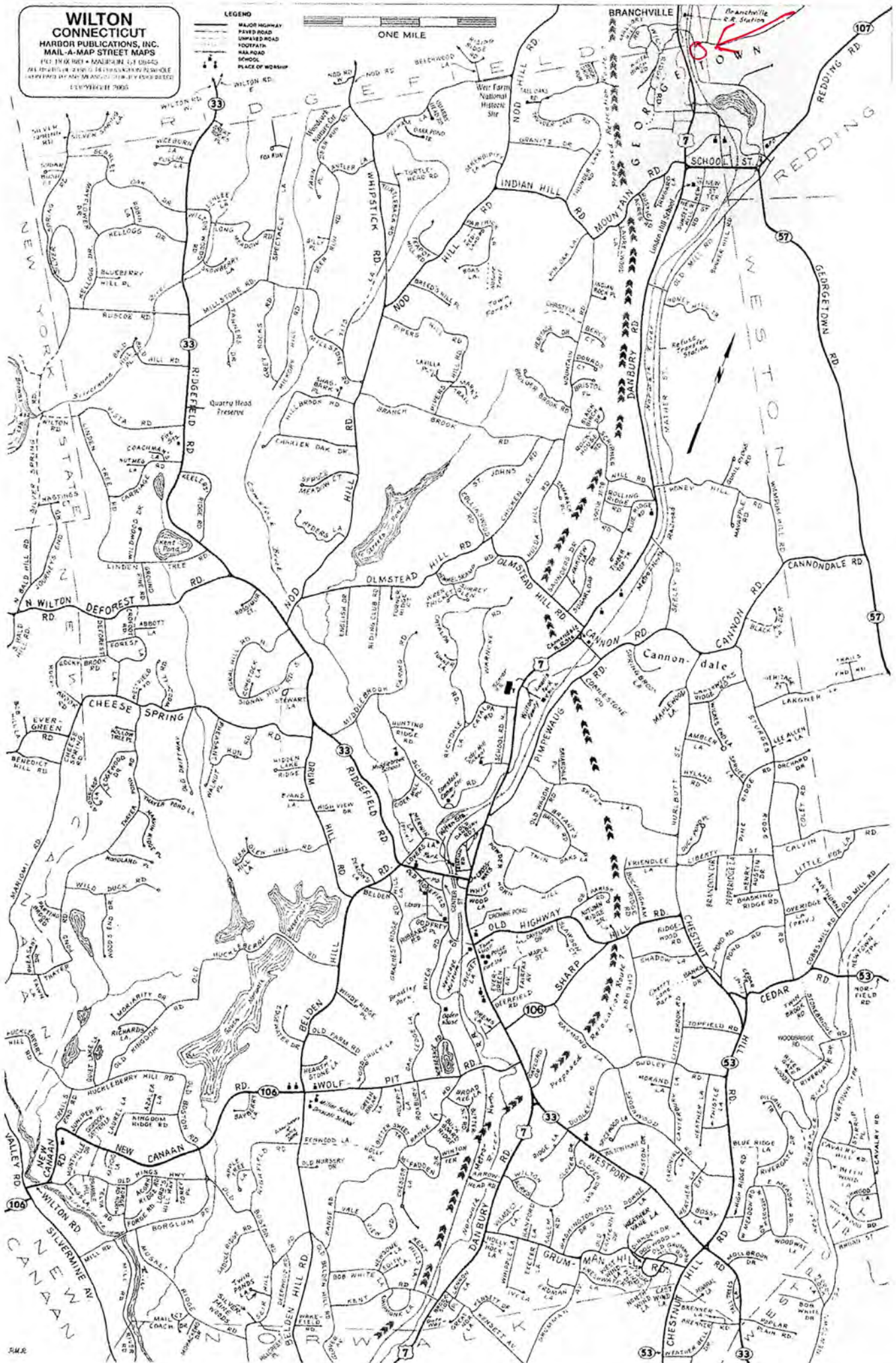
KRISTOFFERSEN LAND SURVEYING, LLC

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON

MAP CERTIFIED BY
ERIC J. KRISTOFFERSEN, L.S., LICENSE NO. 15770
40 MADELINE DRIVE, RIDGEFIELD, CT., 06877
PHONE 203-438-3201

FILE NO. 785

NOT VALID WITHOUT
EMBOSSED SEAL



12 min (5.9 miles)

via US-7 N

Fastest route now due to traffic conditions

238 Danbury Rd

Wilton, CT 06897



Head southwest toward US-7 N

89 ft



Turn left toward US-7 N

72 ft



Turn right toward US-7 N

0.1 mi



Turn right onto US-7 N

Pass by Bruce Bennett Nissan (on the right in 5.1 mi)

5.6 mi



Turn right onto Portland Ave

Follow Lower Portland Ave and Stay on Lower Portland Ave where it splits after crossing train tracks.

Park on Right side curb across from stone Garage

0.1 mi

Cross street and walk up stairs next to stone Garage

House is at the top of the stairs.

113 Portland Ave

Wilton, CT 06897

No previous variances were approved.

00122608

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EXECUTOR DEED

DRISCOLL & DRISCOLL
235 GREENWOOD AVENUE
BETHEL, CT 06801

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, G R E E T I N G:

KNOW YE, That I, JOSEPH MUCCINI, of the Town of Port Chester, New York, Executor under the Will of BERTHA MUCCINI, late of Wilton, Connecticut, deceased, by virtue of the power and authority granted in Article SEVENTH of the Will of said deceased, dated May 6, 2008, and in consideration of the sum of TWO HUNDRED NINETY-SEVEN THOUSAND AND 00/100 (\$297,000.00) DOLLARS, received to my full satisfaction of PAUL NESSEL, of the Town of Fairfield, County of Fairfield and State of Connecticut, do grant, bargain, sell and confirm unto the said grantee, PAUL NESSEL, all the right, title, interest, claim and demand which the said BERTHA MUCCINI had at the time of her decease, or which I, as such Executor, have or ought to have, in and to all that certain piece or parcel of land, with the buildings thereon, situated in the Town of Wilton, County of Fairfield and State of Connecticut, and bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

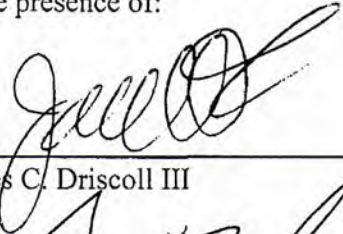
TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto him, the said grantee, his heirs and assigns, to his and their own proper use and benefit forever.

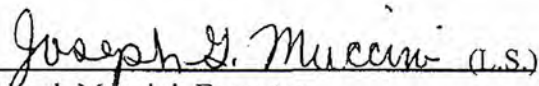
And I, the said Executor, do hereby covenant with the said grantee, his heirs and assigns, that I have full power and authority, as Executor aforesaid, to grant and convey the above described premises in manner and form aforesaid and for myself, and my heirs, executors and administrators, do further covenant to warrant and defend the same to him, the said grantee, his heirs and assigns, against the claims of any person or persons whomsoever, claiming by, from or under me, as Executor aforesaid.

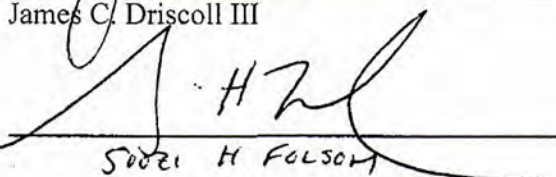
IN WITNESS WHEREOF, I, as such Executor, have hereunto set my hand and seal this 4th day of October, 2011.

Signed, Sealed and Delivered
in the presence of:

ESTATE OF BERTHA MUCCINI


James C. Driscoll III

 (L.S.)
Joseph Muccini, Executor


Susan H. Folsom

Conveyance Tax Received
TOWN \$ 742.50 STATE \$ 2227.50

Betty Joan Ragoznetti
Town Clerk of Wilton

00122608

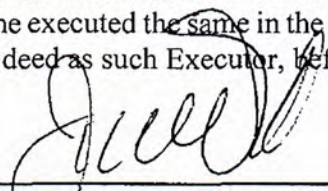
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STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

} ss.: *Westport*

Personally appeared JOSEPH MUCCINI, Executor of the Estate of BERTHA MUCCINI, the signer and sealer of the foregoing instrument, who acknowledged that he executed the same in the capacity and for the purpose therein stated, and that the same is his free act and deed as such Executor, before me.



James C. Driscoll III
Commissioner of Superior Court

00122608

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SCHEDULE A

All that certain piece or parcel of land with the buildings thereon, situated in the Town of Wilton, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: by land now or formerly of George Grumman; and

EASTERLY, SOUTHERLY
& WESTERLY: by the highway.

Being the same premises conveyed to Nicola Antognetti by Leslie N. Davis, Administrator of the Estate of Charlotte Gilmore by deed dated June 8, 1940 and recorded in the Wilton Lane Records in Volume 49 at Page 89.

Received For Record
Oct 05, 2011 AT 03:43P
ATTEST: Bettie J. Rasognetti
Wilton Town Clerk

Be sure you address the envelopes with the mailing address of all owners.

[illegible]

12-56	12-67	12-68
NIEMAN MATHEW C &	BLACKACRE REALTY LLC	KONTOGIANNIS VASILIOS
1 GODFREY LA	PMB 84164	4 PEACEABLE ST
WILTON CT 06897	MIAMI FL 33179	WEST REDDING CT 06896
12-69	12-71	13-1
PORTER BENJAMIN &	TEMPLE B'NAI CHAIM	KUMAR PIUSH &
90 PORTLAND AVE	PO BOX 305	79 SHERIDAN DR
WILTON CT 06897	GEORGETOWN CT 06829	NEW CANAAN CT 06840
13-2	13-3	13-4
KONTOGIANNIS VASILIOS	NOVASEL GARY B	PLUNKETT ZACHARY L &
4 PEACEABLE ST	106 PORTLAND AVE	96 PORTLAND AVE
WEST REDDING CT 06896	WILTON CT 06897	WILTON CT 06897
13-5	13-6	13-7
NESSEL PAUL	DIFRANCO RUSSELL J JR	JOE BRUNO'S LLC
113 PORTLAND AVE	80 CARTRIGHT ST UNIT 2B	17 WOODSTONE RD
WILTON CT 06897	BRIDGEPORT CT 06604	RIDGEFIELD CT 06877
13-8	13-9	13-10
1039 DANBURY ROAD LLC	TOPSTONE PROPERTIES LLC	OAK LEDGE ASSOCIATES LLC
27R CATOONAH ST	1047 DANBURY RD	39 KENSETT AVE
RIDGEFIELD CT 06877	WILTON CT 06897	NORWALK CT 06851
13-14	13-23	
TOPSTONE PROPERTIES LLC	SO SOKHAK	
1047 DANBURY RD	100 PORTLAND AVE	
WILTON CT 06897	WILTON CT 06897	



Portland Ave

Portland Ave

Peaceable St

Norwalk River

Portland Ave

Peaceable St

Norwalk River

Portland Ave

Portland Ave

MLH Plumbing
& Heating

Portland Ave

Danbury Hwy

320

322

1

112

106

30

7

7

1







