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

Please consult the Zoning Regulations when applying f	or a variance, particularly Section 29-13.			
Please TYPE or print clearly (See last 2 pages for br	rief explanation.)			
APPLICANT'S NAME	ADDRESS			
OWNER'S NAME	ADDRESS			
PROPERTY LOCATION	ZONING DISTRICT			
WLR MAP# VOLUME PAGE	TAX MAP # LOT # ACREAGE			
proposed to be varied and the specific variance requeste (an addition, a pool, average lot width, or whatever) with variance request for a building addition that encroaches	into the required fifty foot rear setback area by 7 feet 29-5.D to allow a building addition with a 43 foot rear yard			

<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.

* 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 pro	operty showing	g all existing building and site cond	ditions.	
	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: <u>map.pd</u>	f (wiltonct.org). Site location s	hall be identified on map.	
	DIRECTIONS to subject proper generated or similar).	erty from Town	Hall, 238 Danbury Road, Wilton	, CT (e.g. hand-written, computer-	
	LIST OF PREVIOUS ZONIN	G VARIANC	ES – available here: History of	Previous Variances Wilton C	
	PHOTOGRAPHS of property	showing buildi	ng and site conditions from all geo	ographic perspectives.	
	ONE COPY OF DEED (Avai	lable in Town (Clerk's Office)		
		• 1	ortion of the subject property as sh st 500 ft gis directions 0.1	• •	
			ner within 500' of any portion of instructions.pdf (wiltonct.or		
	ELECTRONIC SUBMISSION michael.wrinn@wiltonct.org an		ls (Consolidated into 1-2 PDFs Now wiltonct.org	Taximum), emailed to	
	TWO #10 (4"x 9.5") PLAIN E	ENVELOPES a	addressed to the applicant (No Ret	turn Address)	
	\$310 FILING FEE payable to:	Town of Wilto	on		
				No	
IS THE	E SUBJECT PROPERTY LOCAT	CED WITHIN 5	500 FEET OF THE MUNICIPAL		
	E SUBJECT PROPERTY LOCAT or NO [If YES, see DPH Add		ere: watercompanyanddphno	WATERSHED BOUNDARY? otification.pdf (wiltonct.org)	
IS THE	E SUBJECT PROPERTY LOCAT	ED IN THE F	LOOD PLAIN? YES or N	(O	
WHEN	N WAS THE SUBJECT PROPER	TY PURCHAS	SED?		
IN WH	HAT YEAR WAS THE MAIN ST	RUCTURE CO	ONSTRUCTED?		
SITE (COVERAGE PROPOSED: ERCENTAGE OF SITE)		BUILDING COVERAGE P (AS PERCENTAGE OF SIT	ROPOSED:	
req TH to t	HE APPLICANT understands that the quired by the Board have been submed UNDERSIGNED WARRANTS the best of his or her knowledge and trein.	nitted. the truth of all	statements contained herein and in a		
APPLI	ICANT'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE	
OWNE	ER'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE	

PINNEY, PAYNE, VAN LENTEN, BURRELL, WOLFE & DILLMAN, P.C.

ATTORNEYS AT LAW

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UGHN H. DILLHAN
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TED D. BACKER**

JAMES H. MALONEY

26 WEST STREET

POST OFFICE BOX 650

DANBURY, CONNECTICUT 06810

(203) 743-2721

NEW MILFORD OFFICE

46 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

{203} 355-1181

RIDGEFIELD OFFICE
401 MAIN STREET
RIDGEFIELD, CONNECTICUT 06877
(2031 438-3726

COUNSEL THOMAS L. CHENEY

HICHAEL 5. MOKENNA ALFRED P. FORINO Nancy R. Sienkiewicz

*ALSO ADMITTED IN VA **ALSO ADMITTED IN D.C. AND NY January 24, 1986

PLEASE REPLY TO: NEW Milford

George R. Sullivan, Jr., Chairman Zoning Board of Appeals Town of New Milford 24 Church Street New Milford, Ct. 06776

RE: Notification of Property Owners of Variable Application by DOT

Dear Mr. Sullivan:

I have researched the issue of whether property owners whose land is to be condemned by a state agency must consent to the agency's application for a variance. The answer is clearly, no. Section 48-24 of the General Statutes gives the condemning authority the power to obtain a variance for the portion of property which will remain after the taking. In Smith v. Zoning Board of Appeals, 174 Conn. 323 (1978), where the plaintiff property owners were neither notified of nor consented to the application for a variance, the Connecticut Supreme Court stated:

The remaining issue in this appeal is the plaintiff's claim that the granting of a variance without their consent violates their constitutional right to just compensation by forcing them to assume the financial risk of structural alteration or sale of property subject to a variance. We disagree. The plaintiffs' claims for consequential damages to the remaining land resulting from the partial taking could be considered by a trier of fact under General Statutes Section 13a-76. Damages would be calculated by subtracting the

George R. Sullivan, Jr.

-2-

January 23, 1986

market value of the remainder after the taking from the market value of the property just prior to the taking. Laurel, Inc. v. State, 169 Conn. 195, 205, 362 A.2d. 1383; Meriden v. Highway Commissioner, 169 Conn. 655, 660, 363 A.2d. 1094.

Mr. Douglas Hummel of the Department of Transportation plans to notify the record owners of the property to be condemned for the Lower Grove Street connection of the variance applications by certified mail. This method of notification is obviously sufficient. The Board should consider the variance applications submitted by the Department of Transportation under these circumstances.

Sincerely, Jeffrey B. Sienkiewicz New Milford Town Counsel

Ву

Nancy R. Sienkiewicz

NR8/1c oc: Douglas Hummel

State of Connecticut

JOSEPH I. LIEBERMAN ATTORNEY GENERAL



Office of The Attorney General 90 Brainard ROAD HARTFORD, CT 06114

Telephone: 566-2257

February 28, 1986

Douglas M. Hummel
Assistant Property Agent
Office of Rights of Way
Department of Transportation
24 Wolcott Hill Road
Wethersfield, CT 06109

Dear Mr. Hummel:

With reference to our conversation concerning Conn. Gen. Stat. § 48-24 as of this date I have examined an opinion letter dated January 24, 1986 by the law firm of Pinney, Payne, Van Lenten, Burrell, Wolfe & Dillman, P.C. addressed to the chairman of the New Milford Zoning Board of Appeals.

Please be informed that I am completely in agreement with said opinion.

Very truly yours,

JOSEPH I. LIEBERMAN ATTORNEY GENERAL

RV.

Paige Everin

Assistant Attorney General

PE:rw

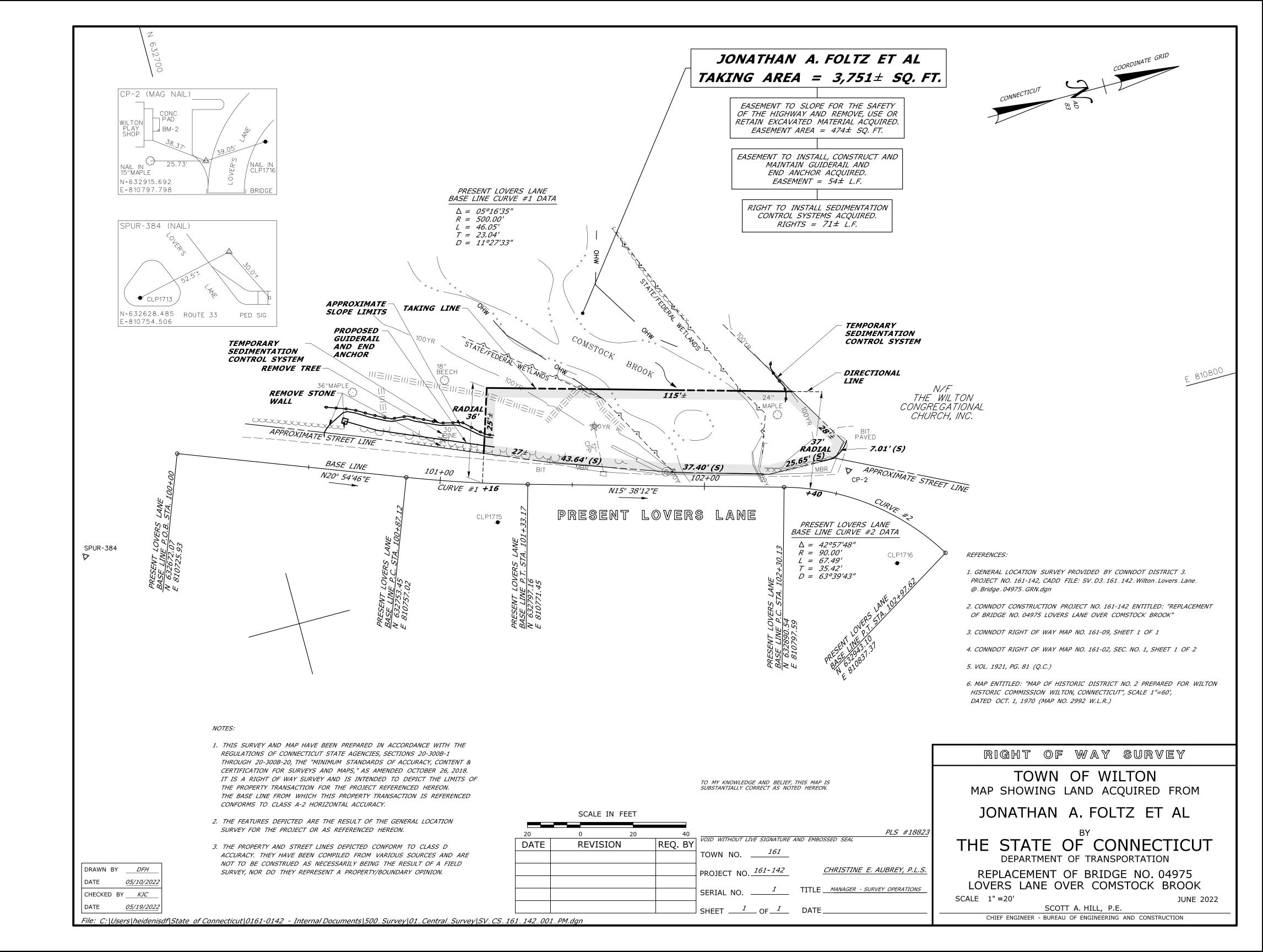
Sec. 48-24. Condemning authority to obtain zoning variance for portion of property not taken or take entire unit. A condemning authority, if acquiring less than the total amount of a single unit of contiguous property, shall, if the remaining portion of such property does not conform to the area requirements of existing zoning regulations, obtain a zoning variance for such remaining portion of property from the local zoning board of appeals before condemning any portion of such property. If such variance is not obtained prior to the taking by the condemning authority, the owner or owners of such single unit of contiguous property shall be reimbursed for the total amount of such unit and the condemning authority shall take title in fee simple to the entire unit of contiguous property.

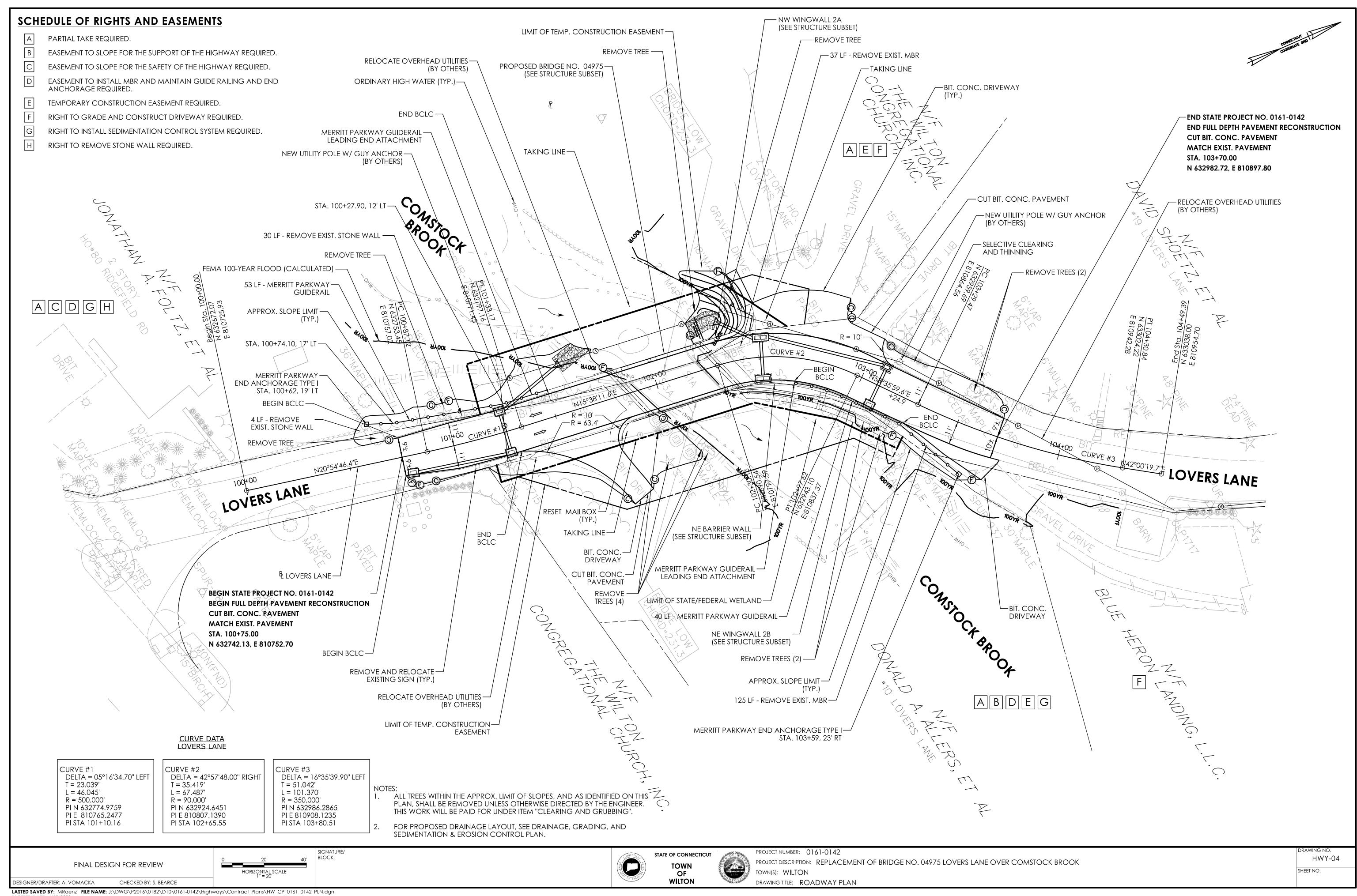
(1961, P.A. 387; 1963, P.A. 79; 1971, P.A. 208, S. 1.)

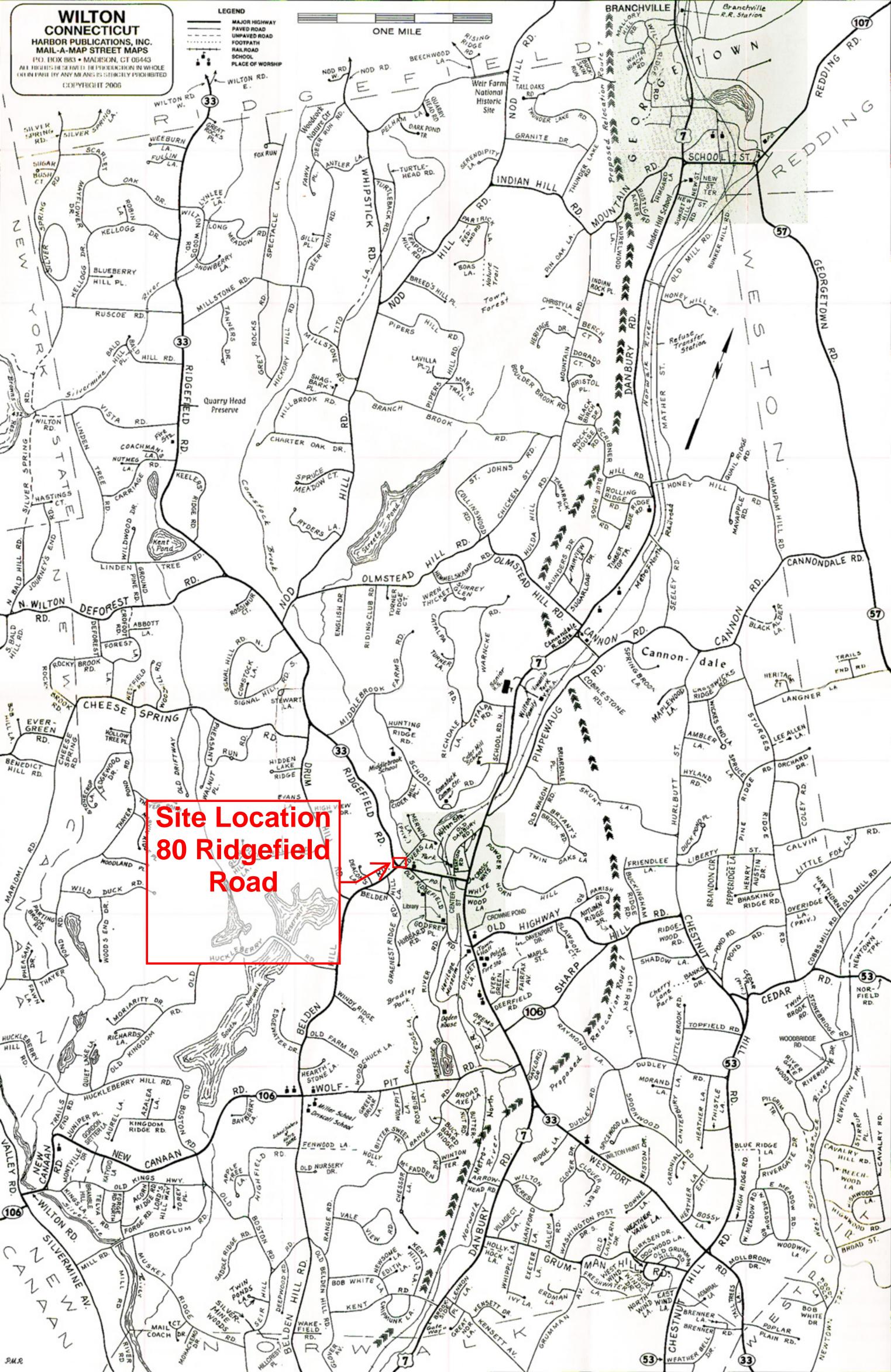
History: 1963 act specified that condemning authority takes title in fee simple to entire unit of contiguous property where variance is not obtained before condemning authority takes occupancy; 1971 act required that variance be obtained for portion of property not to be taken before any of the property is condemned rather than before any of the property is occupied.

Cited. 168 C. 194. Interpretation of "area requirements" in section. 169 C. 195. Cited. 174 C. 323; 203 C. 675.

Setback violation does not trigger statute, only an area violation does. 46 CS 355.



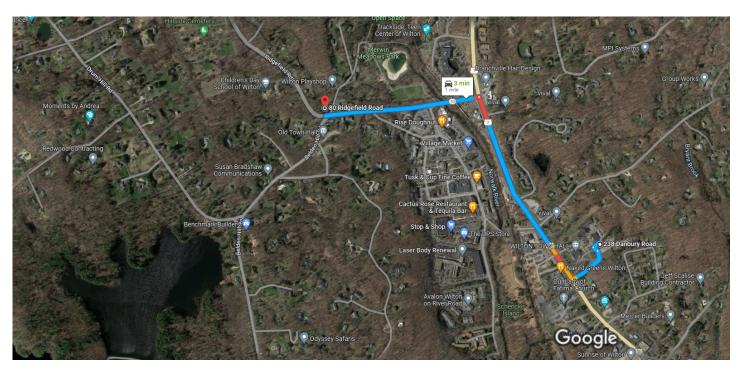






238 Danbury Rd, Wilton, CT 06897 to 80 Ridgefield Rd, Wilton, CT 06897

Drive 1.0 mile, 3 min



Imagery ©2022 Google, Imagery ©2022 CNES / Airbus, Maxar Technologies, New York GIS, USDA/FPAC/GEO, Map data ©2022

238 Danbury Rd Wilton, CT 06897

↑	1.	Head southwest toward US-7 N	
\leftarrow	2.	Turn left toward US-7 N	89 ft
\rightarrow	3.	Turn right toward US-7 N	72 ft
\rightarrow	4.	Turn right onto US-7 N	0.1 mi
←		Turn left onto CT-33 N Destination will be on the right	0.5 mi
			0.4 mi

80 Ridgefield 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







Form 64 Connecticut QUIT CLAIM DEED. Revised 3/99 | Ps = 0.0081 | Sk = 0.1921 | Sk = 0.0081 | Sk = 0

To all People to Phom these Presents shall Come, Greeting:

Know He, That We, Jonathan A. Foltz and Isabel Foltz of the Town of Wilton, County of Fairfield and State of Connecticut, for the consideration of One Dollar and other valuable consideration (\$1.00) received to our full satisfaction of Jonathan A. Foltz and Isabel Foltz

remise, release, and forever QUITCLAIM unto the said Jonathan A. Foltz and Isabel Foltz, as tenants-in-common,

heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as

the said releasor have or ought to have in or to

ALL THAT CERTAIN tract of land together with the buildings and improvements thereon situated in the Town of Wilton, County of Fairfield and State of Connecticut, shown and designated as "Kate G Winton 1.340 Ac." on a certain map entitled "Map of Historic District No. 2 Prepared for Wilton Historic Commission Wilton, Connecticut Scale 1" = 60' October 1, 1970 by Roland H Gardner, Land Surveyor, Wilton, Connecticut ." Certified Substantially Correct by Roland H Gardner, Connecticut Reg. No. 5179, which map is on file in the Office of the Town Clerk of the Town of Wilton bearing File No. 2992.

"No Conveyance Tax Collected" Bettye Joan Raspanetti TOWN CLERK OF WILTO:

In Have and to Hald the premises, with all the appurtenances, unto the said Releasee

nor our heirs nor any other person have any claim, right or title in or to the premises, or and they are by these presents forever barred and ex	so that netther we the Releasor under us or them shall hereafter any part thereof, but therefrom we cluded.
Land de la Standard	LS acher A. Foltz LS acher Foltz LS
State of Connecticut, County of Fairfield	on
On this the 2nd day of Robert A. Singewald ,	February , 200? , before me, the undersigned officer, personally appeared
Jonathan A. Foltz and Isabel Foltz known to a whose names are subscribed to the within instrument same for the purposes therein contained. Jn Mitness Milereof, I hereunto set my	ne (or satisfactorily proven) to be the person and acknowledged that the y executed the
Latest address of Grantee:	- M
No. and Street 80 Ridgefield Road	Robert A. Singewald Commissioner of the Superior Court
City _Wilton	Title of Officer
State_CTZip_06897	

RECEIVED FOR RECORD 02/02/2007 AT 02:46:27PM ATTEST: Bettye Joan Rasosnetti

TOWN CLERK

TOWN OF WILTON, CONNECTICUT

Parcel ID	Site Address	Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
73-43	67 RIDGEFIELD RD	EPSTEIN SAMANTHA	67 RIDGEFIELD RD	WILTON	СТ	06897- 0000
74-1	65 RIDGEFIELD RD	ROWLEY DONALD W & BETH L	65 RIDGEFIELD RD	WILTON	СТ	06897- 0000
74-2	69 RIDGEFIELD RD	WILTON TOWN OF	238 DANBURY RD	WILTON	СТ	06897- 0000
74-3	108 RIDGEFIELD RD	BEST CARI	108 RIDGEFIELD RD	WILTON	СТ	06897- 0000
74-4	98 RIDGEFIELD RD	HALSEY SAMUEL L & CLAUDIA U TR	25 BOAS LA	WILTON	СТ	06897- 0000
74-5	80 RIDGEFIELD RD	FOLTZ JONATHAN A & ISABEL	80 RIDGEFIELD RD	WILTON	СТ	06897- 0000
74-6	LOVERS LA	WILTON CONGREGATIONAL CHURCH	70 RIDGEFIELD RD	WILTON	СТ	06897- 0000
74-7	19 LOVERS LA	SCHOETZ DAVID & ADRIENNE	19 LOVERS LA	WILTON	СТ	06897- 0000
74-8	23 MERWIN LA	ANASTOS DENNIS W & TERESA M	23 MERWIN LA	WILTON	СТ	06897- 0000
74-12	33 LOVERS LA	48 WEST NORWALK ROAD LLC	33 LOVERS LA	WILTON	СТ	06897- 0000
74-15	34 LOVERS LA	WILTON TOWN OF	238 DANBURY RD	WILTON	СТ	06897- 0000
74-16	26 LOVERS LA	BLUE HERON LANDING LLC	26 LOVERS LA	WILTON	СТ	06897- 0000
74-17	10 LOVERS LA	ALLERS DONALD A & EILEEN P	10 LOVERS LA	WILTON	СТ	06897- 0000
74-18	70 RIDGEFIELD RD	WILTON CONGREGATIONAL CHURCH	70 RIDGEFIELD RD	WILTON	СТ	06897- 0000
88-34	30 DEACONS LA	SINCHAK MARLA J	30 DEACONS LA	WILTON	СТ	06897- 0000
88-35	22 DEACONS LA	SOMMER GREGORY & CHRISTINA	22 DEACONS LA	WILTON	СТ	06897- 0000
88-36	11 BELDEN HILL RD	DAWSON THOMAS M & JERRE C	11 BELDEN HILL RD	WILTON	СТ	06897- 0000
88-36-1	16 DEACONS LA	SPIRER ALAN R & JENNIFER J	16 DEACONS LA	WILTON	СТ	06897- 0000
88-37	87 RIDGEFIELD RD	CLUNE DAVID K & ROBIN D	87 RIDGEFIELD RD	WILTON	СТ	06897- 0000
88-38	111 RIDGEFIELD RD	CHILDRENS DAY SCHOOL OF WILTON INC	111 RIDGEFIELD RD	WILTON	СТ	06897- 0000
88-45	77 RIDGEFIELD RD	WILTON CONGREGATIONAL CHURCH	70 RIDGEFIELD RD	WILTON	СТ	06897- 0000
88-46	4 BELDEN HILL LA	GORMAN MICHAEL J &	4 BELDEN HILL LA	WILTON	СТ	06897- 0000
88-47	3 BELDEN HILL LA	GARLOCK DAVID	3 BELDEN HILL LA	WILTON	СТ	06897- 0000
88-38-39	165 RIDGEFIELD RD	WILTON CONGREGATIONAL CHURCH	70 RIDGEFIELD RD	WILTON	СТ	06897- 0000