

WILTON ZONING BOARD OF APPEALS - RESIDENTIAL VARIANCE APPLICATION - ZBA# 22-10-20

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.)

Noelia Fernandez	167 Sharp Hill Rd, Wilton CT 06897				
APPLICANT'S NAME	ADDRESS				
Noelia Fernandez and Andy Aleksiejczyk	167 Sharp Hill Rd, Wilton CT 06897				
OWNER'S NAME	ADDRESS				
167 Sharp Hill Rd, Wilton CT 06897	R-2A				
PROPERTY LOCATION	ZONING DISTRICT				
2215 2437 348 44 7 1.38					
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 the Section 29-5D to allow the construction of a patio side yard setback of 1 foot in lieu of the 20 feet required.

Request a variance of the Section 29-5D to installation of a gazebo with a side yard setback of 2.0 feet from the roof in lieu of the 40 feet required.

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 due to conveyance of the portion of land to the State of Connecticut (see notes #3B and #4 in Survey). Due to this, the lot is oddly shaped.

In addition, the East side of the lot, next to the property, has the existing septic system; therefore, it wouldn't be a good location to place the patio and gazebo there. The currently proposed location makes the most practical sense, as it would be close to the property and driveway, connected by a walk-path.

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**? November 30, 2015

IN WHAT YEAR WAS THE MAIN STRUCTURE **CONSTRUCTED**? 1922

SITE COVERAGE PROPOSED: 9.5%
(AS PERCENTAGE OF SITE)

BUILDING COVERAGE PROPOSED: 3.2%
(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.

	<u>09/21/22</u>	<u>noeliafern@hotmail.com</u>	<u>203-434-4413</u>
APPLICANT'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE
	<u>09/21/22</u>	<u>noeliafern@hotmail.com</u>	<u>203-434-4413</u>
OWNER'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE

12' x 14' WOOD GAZEBO

with ALUMINUM ROOF

Installation and Operating Instructions – YM12941Z



HEIGHT:
10'5" / 3.175m



<http://bit.ly/gazeboinstall>

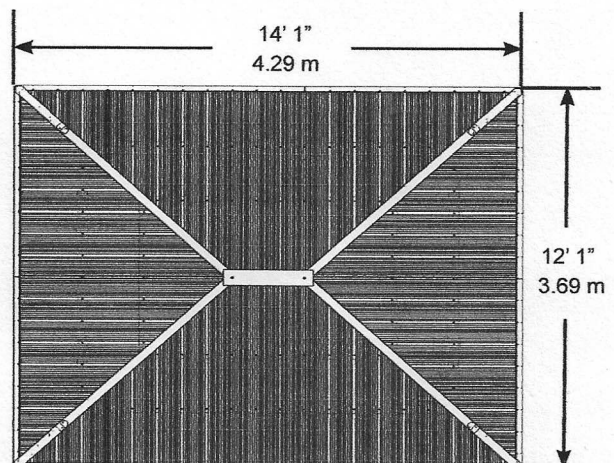
IMPORTANT, RETAIN FOR FUTURE REFERENCE: READ CAREFULLY

Revised 08-22-2019


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Permanent Installation Examples

Note: It is critically important you start with square, solid and level footings, concrete pad or deck to attach your Pergola Room.

We supply Post Mounts with this structure which gives you the flexibility to permanently install your structure to a pre-existing or new wood or concrete surface.

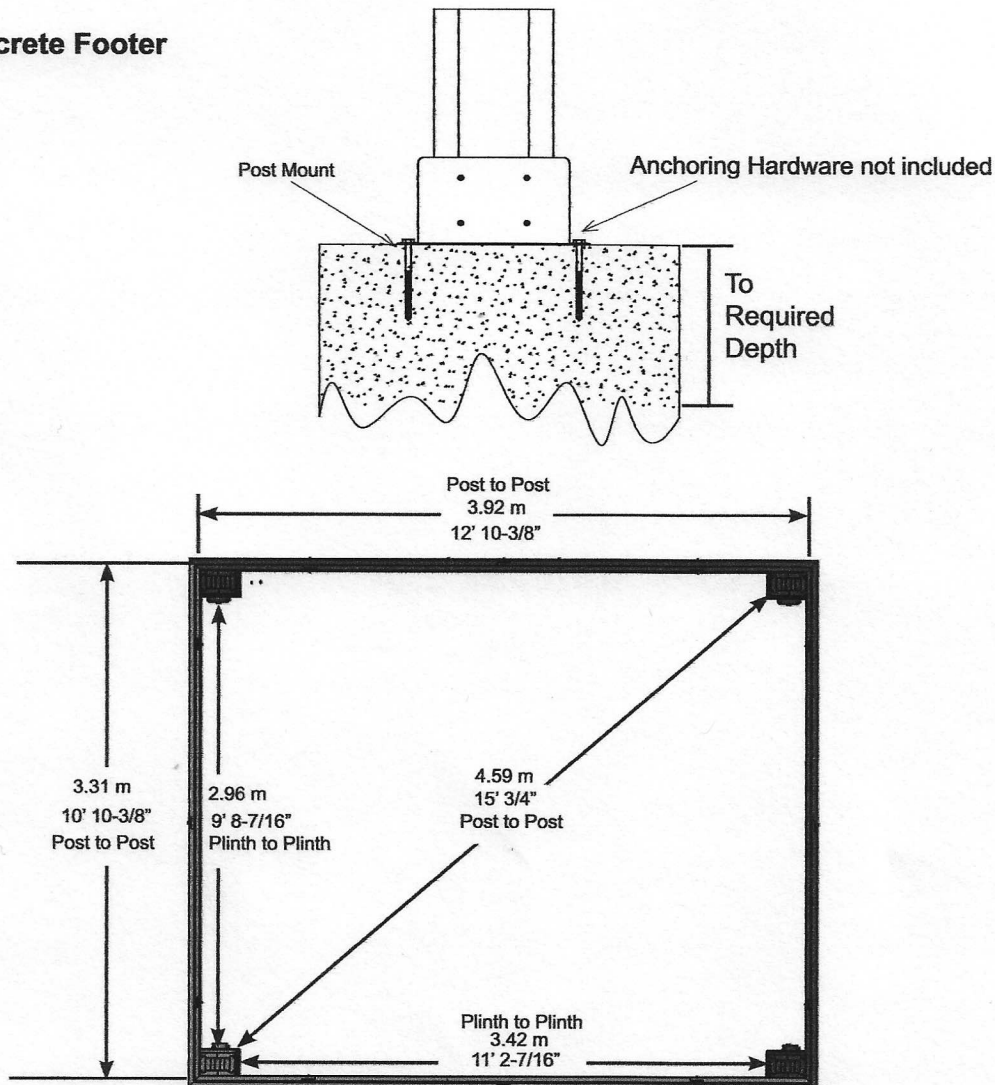
- The hardware to attach the Post Mount to the structure is included.
- The hardware to mount the structure permanently will need to be purchased separately at your local hardware store.

If you are mounting to concrete footers see below for the correct locations and placement. Please double check for possibility of any underground utilities such as gas, telephone, cable or sprinkler lines.

Following are some examples of how to mount the structure to wood or concrete surfaces.

Refer to your local building and city codes, ordinances, neighbourhood covenants, or height restrictions regarding this type of structure for guidance on acceptable installation requirements.

Concrete Footer



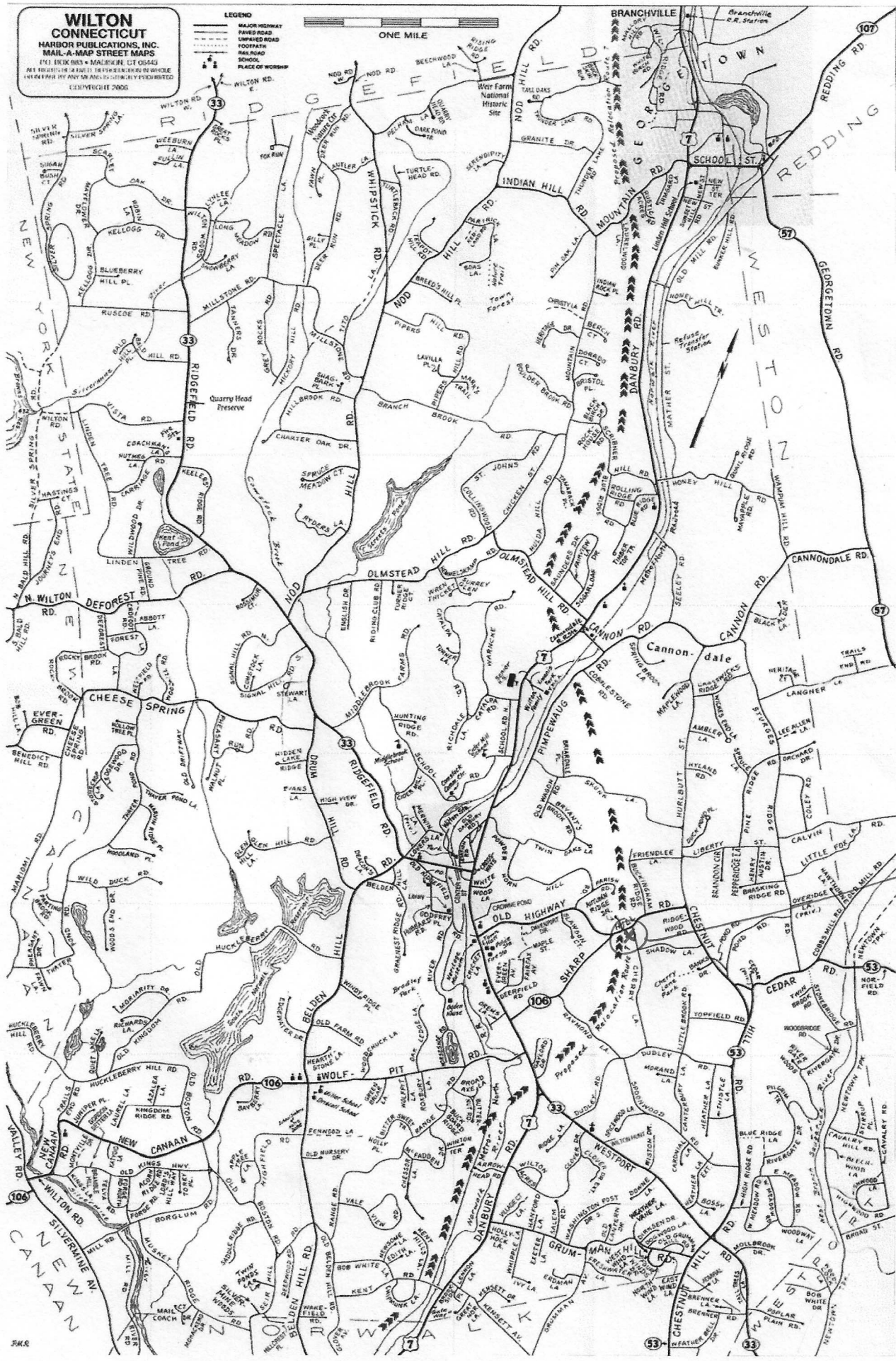




**WILTON
CONNECTICUT**
HARBOR PUBLICATIONS, INC.
MAIL-A-MAP STREET MAPS
7111 INDIAN RD. • MALDEN, CT 06448
NOT BE USED FOR A ROAD TO BE OPENED OR CLOSED
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COPYRIGHT 2000

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

ONE MILE



1675 SHARP
Hill Rd

238 Danbury Rd
Wilton, CT 06897

- ↑ 1. Head southwest toward US-7 N
89 ft
- ↶ 2. Turn left toward US-7 N
72 ft
- ↷ 3. Turn right toward US-7 N
0.1 mi
- ↷ 4. Turn right onto US-7 N
0.2 mi
- ↷ 5. Turn right onto Old Hwy
0.8 mi
- ↶ 6. Slight left onto CT-106 N
 ⓘ Destination will be on the right
0.1 mi

167 Sharp Hill Rd
Wilton, CT 06897

After recording, return to:

Tierney, Zullo, Flaherty and Murphy, P.C.
134 East Avenue
Norwalk, CT 06851
Attn: Gary Lorusso, Esq.

00138937

VOL = 2437 PG# 348

STATUTORY FORM TRUSTEE'S DEED

JOHN R. MITCHELL, TRUSTEE, as SUCCESSOR TRUSTEE of the FLORENCE TALLMADGE TRUST under AGREEMENT dated December 20, 2004, as amended, having an address of c/o Charles E. Janson, Esq., Robinson & Cole LLP, 1055 Washington Boulevard, Stamford, Connecticut, 06901, (hereinafter "**Grantor**"), for consideration paid, grants to **NOELIA E. FERNANDEZ and ANDY ALEKSIEJCZYK, as Joint Tenants**, having an address of 167 Sharp Hill Road, Wilton, Connecticut 06897 (hereinafter "**Grantee**"), with **TRUSTEE'S COVENANTS** all that certain real property known as **167 Sharp Hill Road, Wilton, Connecticut 06897**, being more particularly described in **Schedule A** attached hereto and made a part hereof.

[SIGNATURE PAGE FOLLOWS]

Conveyance Tax Received
TOWN \$ 1032.50
STATE \$ 3097.50

Lori A. Kaback
Town Clerk of Wilton

Signed this 30th day of November, 2015.

GRANTOR:

Executed and delivered
in the presence of:

Witness:

Print Name:

Witness:

Print Name:

John R. Mitchell, Trustee
John R. Mitchell, Trustee, as Successor Trustee
of the Florence Tallmadge Trust under
Agreement dated December 20, 2004, as aforesaid

STATE OF CONNECTICUT)

COUNTY OF FAIRFIELD)

) ss: Stawford

On this the 30th day of November 2015, before me, Charles E. Janson, the undersigned officer, personally appeared **John R. Mitchell, Trustee, as Successor Trustee of the Florence Tallmadge Trust under Agreement dated December 20, 2004**, as amended, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated, as Trustee, and for the purposes therein contained.

In witness whereof I hereunto set my hand.

Charles E. Janson
Commissioner of the Superior Court
Notary Public: Charles E. Janson
My Commission Expires: 2/28/2018

[SIGNATURE AND ACKNOWLEDGMENT PAGE TO TRUSTEE'S DEED]

Schedule A

(Legal Description)

All that certain tract 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 designated as "Plot B, 2.00 Ac.," on a certain map entitled, "Map of Property Prepared For Henry A. Iffland, Wilton, Conn., Scale: 1" = 40', June 18, 1962, revised July 23, 1962, revised July 24, 1962", by John M. Farnsworth, Land Surveyor, Wilton, Conn.," Certified Substantially Correct" John M. Farnsworth, which map is on file in the Office of the Town Clerk of the Town of Wilton as Map No. 2178.

Excepting therefrom all that certain tract or parcel of land, together with the improvements thereon, situated in the Town of Wilton, County of Fairfield and State of Connecticut and described in a Warranty Deed from August Iffland and Florence I. Tallmadge to the State of Connecticut dated October 14, 1970 and recorded on November 24, 1970 in Volume 151 at Page 460 of the Wilton Land Records.

Said premises are also known as 167 Sharp Hill Road, Wilton, Connecticut.

Said premises are conveyed subject to:

1. Limitations of use imposed by governmental authority, including any and all provisions of any ordinances, municipal regulation, or public or private law, inclusive of zoning, inland wetlands, building and planning laws, and rules and regulations as established by the Town of Wilton.
2. Real Estate Taxes to the Town of Wilton hereinafter due and payable on the List of October 1, 2014 and the second installment thereof becoming due and payable in January, 2016, and on the List of October 1, 2015 due and payable thereafter, which the Grantee assumes and agrees to pay as part of the consideration herein.
3. Any public improvement assessments, municipal liens, and/or any unpaid installments thereof, which assessments and/or installments become due and payable after the date of the delivery of the deed, and which assessments and/or installments the Grantee assumes and agrees to pay as part of the consideration thereof.
4. Notes, conditions, easements and building setback lines as shown on Map No. 2178 of the Wilton Land Records.
5. Such state of facts which an accurate survey or careful physical inspection of the premises might reveal.

Received For Record
Dec 01, 2015 AT 02:13P
Lori A. Kaback
Wilton Town Clerk

31-1
GSCHOSSMAN SONJA F
190 SHARP HILL RD
WILTON CT 06897

31-42
REBO JOHN M & JANE E
118 CHERRY LA
WILTON CT 06897

31-52
WILLIAMS RICHARD F & KARA P
104 CHERRY LA
WILTON CT 06897

44-5
DEWARE ANNE G
111 CHERRY LA
WILTON CT 06897

44-8
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-38
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-39-1
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-41
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-53
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

31-40
RUHNOW GREGORY & TITAPHA
195 SHARP HILL RD
WILTON CT 06897

31-43-1
WILTON LAND CONSERVATION TRUST B
P O BOX 77
WILTON CT 06897

31-40A
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-6
IFFLAND PAUL H
117 CHERRY LANE
WILTON CT 06897

44-9
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-38-1
HORN CYNTHIA E
3 AUTUMN RIDGE DR
WILTON CT 06897

44-39-3
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-42
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-54
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

31-41
BAKER HENRY &
120 CHERRY LA
WILTON CT 06897

31-51
WILLIAMS THOMAS EDWARD JR &
51 SHADOW LA
WILTON CT 06897

44-4
WEISS GERALD H & MARTHA M
105 CHERRY LA
WILTON CT 06897

44-7
FERNANDEZ NOELIA E &
214 BULLMOOSE RIDGE RD
STOWE VT 05672

44-11
BROOKS DAVID H & KARIN S
135 SHARP HILL RD
WILTON CT 06897

44-39
WILTON LAND CONSERVATION TRUST
P.O.BOX 77
WILTON CT 06897

44-40
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131

44-51
CONNECTICUT STATE OF
2800 BERLIN TPKE
NEWINGTON CT 06131