



Town of Washington
Zoning Board of Appeals
 P. O. Box 383
 Washington Depot, CT 06794
 Land Use Office: 860-868-0423

ZBA USE ONLY:

Appl. # ZBA- 1130
 Date Rec'd 10/28/21
 Fees Paid Yes
 Cash/Chk # 00325/100- 00324/60
 Chk writer Cramer + Anderson, LLP

APPLICATION FOR VARIANCE(S)

APPLICANT INFORMATION

(If there are two or more applicants, provide the following information for each)

Name: ~~Charles P. Eaton, Member & Manager of Lake Waramaug, LLC~~
 Home Address: 20 Point Road, South Norwalk, CT 06854
 Business Address: (See Below)
 Home Phone: _____ Business Phone: 203-219-2687
 Email Address: cpe@eaton-partners.com

PROPERTY INFORMATION

Street Address: 182 East Shore Road
 Assessor's Lot No.: 10-09-03 Zoning District(s): R-3 Acreage of Property: 20.08
 Owner(s) of Record: Lake Waramaug, LLC
 Home Address: _____
 Business Address: 131 Rowayton Ave., Rowayton, CT 06858
 Home Phone: _____ Business Phone: _____
 Record Owner(s) Deed is filed in the Land Records at: Vol. 227 Page 819-821
 Is the property located within 500 feet of any town line? Yes X No _____

Signature of Owner (if Owner is not the Applicant) Agent Rfisher@cramer-anderson.com
860-868-0527

NOTE: Property History information must be provided on next page of application.

VARIANCE(S) REQUESTED

The following variances are requested from the Town of Washington Zoning Regulations:
 (Attach additional sheets if necessary.)

Variance from Section 11.2.2 Type/amount* of variance: 25% slope excluded from
 Variance from Section _____ Type/amount* of variance: Unit density calculations
 Variance from Section _____ Type/amount* of variance: _____
 Variance from Section _____ Type/amount* of variance: _____

*As an example of the type and amount of a requested variance, an applicant might seek a variance of five feet from a setback regulation (e.g., from 25 feet to 20 feet) or five percent from a lot coverage limitation (e.g., from 15% to 20%).

PROPERTY HISTORY

Was the lot created as part of an approved subdivision plan? Yes _____ No X

If yes: State the date of approval of the plan: _____

Map number of the plan as filed in the Land Records: _____

Have the lot lines been revised since plan approval? Yes _____ No _____

Provide copies of recorded deeds or maps showing all such revisions.

If no: At what volume and page of the Land Records is the property first described as a separate parcel of land in a deed or other record?* Vol. _____ Page _____

*NOTE: If the property is first described as a separate parcel in one or more documents recorded before August 1956, provide the volume and page of the last such document that was recorded before August 1956.

Have any previous variances been granted to this property? Yes X No _____

If yes, attach a copy of each such variance to this application and state the volume and page at which each such variance is recorded in the Land Records. Vol. 163 Page 175

EXPLANATION OF REQUEST FOR VARIANCES

In the spaces below, explain why each requested variance is needed. The explanation should include, at a minimum, a description of the purpose of the variance and the hardship justifying the request. Attach additional sheets, if needed. **The applicant has the burden of proving to the board that each requested variance is justified.** Refer to "Guidelines for Variance Applications" for guidance.

See attached Letter

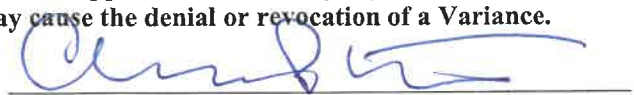
ADDITIONAL REQUIREMENTS

The applicant must submit:

1. **One original** and eight copies of a class "A-2" **survey** indicating all existing and proposed structures, septic systems, wells and water sources, easements, rights of way and legal restrictions, as well as all measurements and distances, needed to show the extent and nature of the requested special exception.
2. **Building and Elevation (if applicable) Plans** giving complete details with scaled measurements (see "Guidelines" for explanation).
3. **Filing fees** of \$100 and \$60, in separate checks, payable to the Town of Washington.
4. **Required by hearing date:** Evidence of certificate of mailing to the owners of all property located within 200 feet of the property involved in this application, notifying them of the date, time and location of the hearing and the nature of the requested variance.
5. **Signed Letter of Representation** (if applicable)

CERTIFICATION

I hereby certify that the information I have provided in this application, including any attached sheets, is true, and I acknowledge that any false information may cause the denial or revocation of a Variance.



Signature of Applicant



CRAMER & ANDERSON^{LLP}
Counselors and Advocates

6 Bee Brook Road
P.O. Box 321
Washington Depot, CT 06794-0321

(860) 868-0527
Fax (860) 868-9342

email: rfisher@cramer-anderson.com

30 Main Street
Danbury, CT 06810

Kent Green
Kent, CT 06757

46 West Street
Litchfield, CT 06759

51 Main Street
New Milford, CT 06776

October 27, 2021

Town of Washington Land Use Office
Post Office Box 383
Washington Depot, CT 06794
ATTN: Zoning Board of Appeals

Re: 182 East Shore Road Variance Application (Owner: Lake Waramaug, LLC)

Dear Commissioners:

Cramer & Anderson represents Lake Waramaug, LLC (the "Company"), whose member and manager is Charles Eaton. The Company owns the former Boulders Inn property in Warren and a 20-acre parcel of abutting land in the Town of Washington, the address of which is 182 East Shore Road. There is a cabin on the Washington property, which is presently accessed via a narrow driveway through the Warren property. The Boulders Inn used the cabin for guests when there was a need for doing so. The cabin has its own septic system, with the leaching field being located on the Warren side of the boundary line. The Washington land contains a site for a septic system reserve area for the benefit of the former Boulders Inn main building.

The Washington parcel of land was created in 1979 when Jane Franklin Lowe conveyed the Warren and Washington properties to Jameson Woollen and Carolyn S. Woollen, who operated the Boulders Inn until Mr. Woollen's death some years later. The entire property was then conveyed to Cornelis and Ursula Adema, who continued to operate the Boulders Inn. A survey of the entire property was prepared by Kenneth W. Rogers in March 1979 and filed on April 20, 1979, in the Washington Town Clerk's Office (Map # 544). I have enclosed a copy of that survey.

The enclosed survey prepared by Curtiss B. Smith shows one-foot topographic lines and soil types on the Washington land. The eastern half consists of Canton and Charlton Soils, 15-35 percent slopes; extremely stony (soil group 62D also known as CrD), and the western half is Hollis Sandy Loam (Charlton-Chatfield Complex, 15-45 percent slopes, very rocky (soil group 73E also known as HrE). The problem with



using the land, according to Mr. Smith, is that 93% of the land in Washington has slopes above 25%.

When the lot was surveyed in 1979, Section 11 of the 1978 Washington Zoning Regulations required a minimum of three acres for CrD soils and a minimum of five acres for HrE soils, regardless of the steepness of slopes. I have enclosed a photocopy of Section 11 of the 1978 Washington Zoning Regulations.

Effective March 21, 2000, Section 11 of the Zoning Regulations was amended to create "Unity Density Calculations" to determine the minimum legal lot size. Soil type classifications remained substantially the same as in the earlier versions of the Zoning Regulations, but, as set forth in Paragraph 11.2.2, "Land designated as Floodplain, Wetlands, or Watercourses, *or having slopes in excess of 25 percent* ... shall not be used to calculate density for residential use." (Emphasis added.) Enclosed is a copy of Section 11 of the current Zoning Regulations. Even though Charlton and Hollis soils are suitable for on-site septic disposal, and the property has twenty acres of land, we cannot comply with the Density Regulations set forth in Section 11 because of the steep slopes. Mr. Eaton's ultimate goal is to donate part or all of the Washington property to Steep Rock Association, which owns other land that abuts the easterly boundary of the subject property. Unless the property can be considered a legal building lot, it has little value for donation purposes. The only areas of the Washington land with slopes of 25% or less are in the southeast corner of the property. Constructing a home in that location would require clearing many trees to create a serpentine driveway about half a mile long. Doing so would be enormously expensive and result in the loss of hundreds of trees.

Mr. Eaton and I attended a meeting of the Washington Zoning Commission on March 22, 2021. We explained the situation and the need to establish that the twenty acres in Washington is a legal building lot. The Commission referred the issue to its attorney, Michael Zizka, who responded with a letter dated April 22, 2021. Attorney Zizka advised the Commission to not render an advisory opinion regarding the status of the Washington property. In a follow-up email to me, he also recommended that the boundary line between the Warren and Washington properties be re-drawn to exclude the septic system reserve area from the Washington property. Finally, he recommended designating a specific right of way for the proposed lot in Washington and suggested that our best course of action would be to apply for a variance from Section 11.2.2 of the Zoning Regulations. We have followed his recommendations and are submitting an application for a variance from Section 11.2.2 of the Zoning Regulations, based on the uniqueness of the property and the extreme hardship caused by enactment of that regulation after the lot was created.



To summarize:

1. The 20-acre parcel of land in Washington was created in 1979.
2. At the time of its creation, the Washington property qualified as a legal building lot by virtue of its acreage and soil types, despite the fact that most of the property had slopes at or in excess of 25%.
3. Effective March 21, 2000, the Washington Zoning Commission enacted Section 11.2.2 of the Zoning Regulations, which mandated that land with slopes exceeding 25% could not be included in Unit Density calculations.
4. If the owner of the Washington property, Lake Waramaug, LLC, is unable to use the property for residential purposes, the outcome is extreme hardship.
5. Because of its size and terrain, the subject property is unique.

On behalf of Lake Waramaug, LLC, and its principal, Charles Eaton, I respectfully request that the Zoning Board of Appeals grant a variance from Section 11.2.2.

Sincerely,

A handwritten signature in blue ink that reads "Robert Fisher".

Robert L. Fisher, Jr.

Cc: Charles Eaton, Curtiss B. Smith

MANDATORY PRE APPLICATION

FOR ALL LAND USE, HEALTH, AND BUILDING APPLICATIONS

except for interior work in existing buildings and exterior work that does not expand or alter the footprint of an existing building

Effective October 1, 2005 no Land Use, Health, or Building application for a permit may be filed until the holder(s) of any conservation restriction or preservation restriction on the subject property has been notified. Please see the attached legislation, PA 05-124.

Please provide the name of the property owner(s) and street address of the property for which one of the above applications will be submitted and complete either A or B below.

Property Owner(s): Lake Waramaug, LLC

Address of Permit Application: 182 East Shore Road, Washington, CT

A. I hereby certify there are NO conservation easements or restrictions nor any preservation restrictions on the above referenced property:

Signature of Property Owner: Charles P. Eaton, Member/Mgr. Date: 10/26/2021
By Robert L. Fisher, Jr., Agent

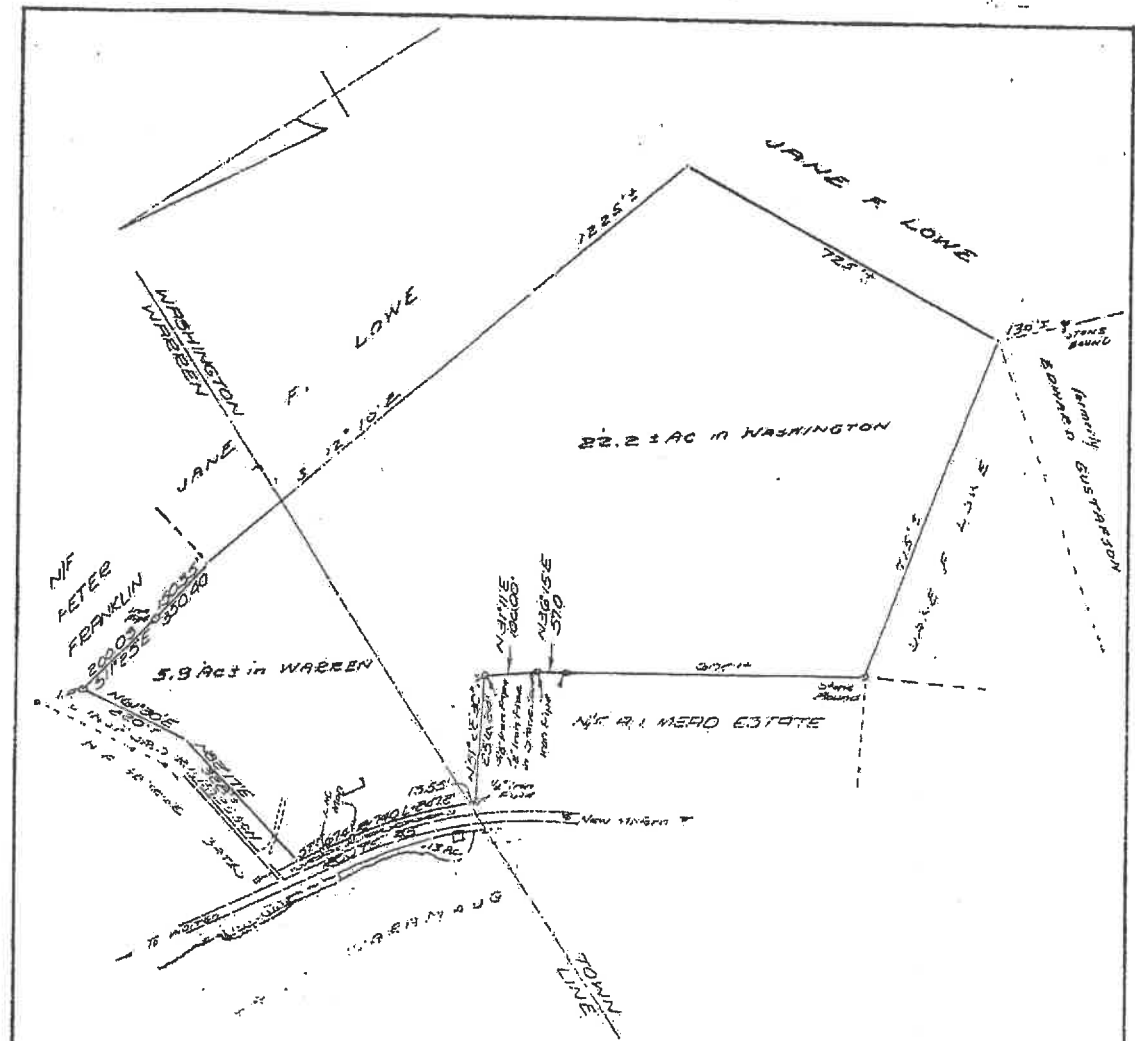
Signature of Property Owner: _____ Date: _____
Robert L. Fisher

B. There ARE conservation easements or restrictions or preservation restrictions on the above referenced property.

Name /Phone Number of Restriction Holder: _____

Please attach one of the following:

1. Proof that the holder of the conservation or preservation restriction was notified by certified mail/return receipt requested of the property owner's intent to apply for a Land Use, Health, or Building permit in the Town of Washington OR
2. A letter from the conservation or preservation restriction holder verifying that the application is in compliance with the with the terms of the restriction.



MAP OF PROPERTY
 TO BE CONVEYED TO
JAMESON & CAROLYN WOOLEN
 BY
JANE F. LOWE
 WARREN & WASHINGTON, CONNECTICUT
 SCALE 1"=200' MARCH 1979
 Certified "Substantially correct as a Class-D survey"
 L. W. Brown BLS*2823

Recd and Filed
 4/20/79 AT 10:57 AM
 Doris K. Welles
 Town Clerk



544

