

APPLICATION OR APEAL#: 46-21

### APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

Please check appropriate box(es)  Variance  Appeal of Cease & Desist

1) Applicant: Caren Carpenter Architect  
Mailing Address: 2 Elwell Road, New Fairfield, CT 06812  
Phone#: 203 648-0375  
Email: carencarpenter@gmail.com

2) Premises located at: 9 Sunset Dr. on the (N S E W) side of the street  
at approx. 500 feet (N S E W) from Bogustill Rd (nearest intersecting road).

3) Property Owner Name: Robert Rollman & Cynthia Sullivan  
Interest in Property: OWNER  CONTRACT PURCHASER  LEASEE  AGENT

4) Tax Assessor Map No.: 1015 11 Block No.: 1 Lot No.: 4249 3

5) Zone in which property is located: R44 Area of Lot: 44,726 sq. ft. / 1.027 ac.

6) Dimensions of Lot: Frontage: 225' Average Depth: 202'

7) Do you have any Right of Ways or Easements on the property? No

8) Is the property within 500 feet of Danbury, Sherman or New York State? No

9) Have any previous applications been filed with ZBA on this property? Yes

If so, give dates and application numbers: June 17<sup>th</sup>, 2021 Application # 27-21

10) Proposal for which variance is requested: Requesting an enlarged front entry & an extension to an existing non conforming shed, see attached Addendum

Hardship: Steep rear, the lot is a pre-existing, non-conforming lot

11) Date of Zoning Commission Denial: November 15, 2021

12) Variance(s) Requested: ( ) USE (  ) DIMENSIONAL

Zoning Regulations (sections): See attached Non-Compliance Letter

#3

Setbacks Requested: Front to: 40' to 35' Rear to: \_\_\_\_\_

Side to: \_\_\_\_\_ Side to: \_\_\_\_\_

13) Use to be made of property if variance is granted: Residential

14) If this Application relates to a Cease and Desist Order then this application must be made within 30 Days of the issue date of that Cease and Desist Order. CEASE & DESIST ORDER DATE: \_\_\_\_\_

SIGNATURE OF OWNER OR AGENT: [Signature] DATE: 11/8/21

ZONING BOARD OF APPEALS  
DEC 31 2021

PROPOSED  
Received  
11/17/21



**TOWN OF NEW FAIRFIELD  
ZONING REPORT**

**SUBJECT:** VERIFICATION OF NON-COMPLIANCE  
**FROM:** Evan G. White, Zoning Enforcement Officer  
**DATE:** November 18, 2021  
**PROPERTY OWNER:** Caren Carpenter  
**PROPERTY ADDRESS:** 9 Sunset Drive (B.H.)  
**APPLICANT/AGENT:** Caren Carpenter  
**MAILING ADDRESS:** 2 Elwell Road  
**ZONING DISTRICT:** R-44   **MAP:** 11   **BLOCK:** 1   **LOT:** 3

Please be advised that the applicant would like to (See Application for Description).

Review of the New Fairfield Zoning Regulations indicated that the above proposal fails to meet the following Zoning Requirements:

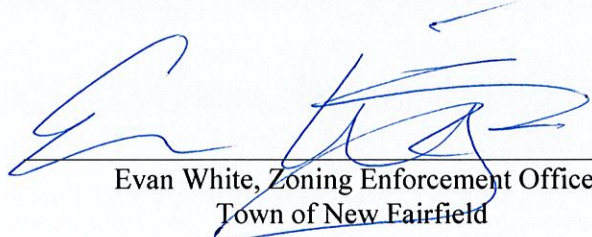
Sections:

- 3.0.4-Minor Accessory Buildings and Structures (C+E+F)
- 3.2.6-Minimum Building & Structure Setbacks (A)
- 7.1.12-Improved Lots Not In a Validated or Approved Subdivision
- 7.2.3-Nonconforming Use of Building or Structure; Nonconforming Buildings or Structures (A+B)

**THE INFORMATION ON THIS REPORT IS TO GUIDE THE APPLICANT/PETITIONER AND THE ZONING BOARD OF APPEALS TO APPLY FOR VARIANCES AND/OR OTHER RELIEF, AND IS BASED ON REPRESENTATIONS MADE BY THE PROPERTY OWNER/APPLICANT.**

**THE OWNER/APPLICANT SHALL BE RESPONSIBLE FOR ANY DECISION MADE FROM RELIANCE ON THIS FORM AND IT SHALL NOT CREATE LIABILITY ON THE PART OF ANY OFFICER OR THE TOWN OF NEW FAIRFIELD.**

**IN COMPLEX MATTERS, THE OWNER/APPLICANT MAY WISH TO SECURE THE SERVICES OF AN ATTORNEY.**

  
Evan White, Zoning Enforcement Officer  
Town of New Fairfield



**Robert M. Rollmann & Cindy Sullivan**  
**9 Sunset Dr. New Fairfield, Ct. 06812**  
**914/462-1184**

Addendum to application for a setback variance for shed:

**Background:**

We purchased our house on October 16, 2020 and when we applied for a building permit to extend the existing shed we learned that it is apparently not in compliance with Section 3.0.4-C of the Zoning Regulations (the "Regulations") whereby the existing shed is positioned approximately 6 feet closer to the street than the rear plane of the house. A Zoning permit was issued to the prior home owners (Brian and Donna Herter) on September 26, 2014 to install the shed, however, a plot plan is not on the Town's website to enable us to determine if the Shed's placement was consistent with the September 26, 2014 Zoning Permit. I understand that the current Regulations were amended on April 4, 2016, which is after the Zoning Permit was issued, however, I do not know if Section 3.0.4-C was changed as part of the September 26, 2014 update to the Regulations. We would like to extend the shed 10 feet further to the left as viewed from the street, which would move approximately 14 feet closer to the street than the rear plane of the house. The finished shed as proposed will be 24.25 feet long X 8 feet wide X 10.25 feet high (total SF 194).

I presume that part of the reason for the Section 3.04-C Regulation is to prevent sheds from being located too close to the street. Notwithstanding the forgoing it is worth noting the following:

- The house is 80 feet wide and the existing shed and proposed expansion are behind what I will call the original rear plane of the house (the Original Plane") (i.e. the widest plane of the house as the house is viewed from the street.
- The rear plane of the house is not visible from anywhere on the street and only exists due to a 2005 addition of a 29-foot-wide family room on the rear of the house which pushed the rear plane of the house back.
- The existing and proposed shed addition is behind the Original Plane.
- The proposed addition to the shed will be approximately 5 feet behind the Original Plane of the house.
- We plan on matching the siding of the existing shed as best we can (pictures attached).

**Hardship**

- The shed is located on the only level portion of the lot that is behind the Original Plane of the house.
- Beyond the existing shed's location, the lot slopes precipitously at an angle of approximately 45 degrees.
- If the shed were placed further down the hill, the severity of the slope would make it impossible to gain access to the shed with garden equipment, including my tractor.





N/F  
SIBLEY & COREY BL.  
VOL. 530, P. 928  
LOT 33, T.C. MAP # 1015

N/F  
IDA BADALAMENTI  
VOL. 201, P. 123  
LOT 34, T.C. MAP # 1015

ENTI  
15

IRON  
PIPE

ALTY &  
ON CO.  
P. 784  
MAP # 1015

S 42°23'02" E  
88.710'

S 36°40' 20" E  
112.200'

S 33°23'40" E  
30.000'

DEER FENCE

IRON PIN

IRON PIN  
2.0' FROM CORNER

216.490'

M 53°48'53" W  
69.695 S

PLASTIC FENCE  
0.3'+ NORTH OF  
LOT LINE

PATIO

DECK

PROPOSED  
ADDITION

PROPOSED  
DECK ABOVE

SHED

50.4'

PROPOSED  
SHED EXTENSION  
FOR 2ND VARIANCE  
PROPOSED  
SECOND STORY  
ADDITION

ASPHALT  
DRIVEWAY

POLE

23.7'

COVER

43.6'  
OVERHEAD  
WIRES

WALK

PROPOSED  
PORCH EXTENSION  
FOR 2ND VARIANCE

R=300.000'  
Δ=26°17'28"

37.0'

35.0'

L=137.660'

DRIVE

SUNSET

IMPERVIOUS COVERAG  
DWELLING, ADDITION  
PATIO, SHED & DRIV  
sq. ft. = 12.19

NAIL IN  
LEDGE

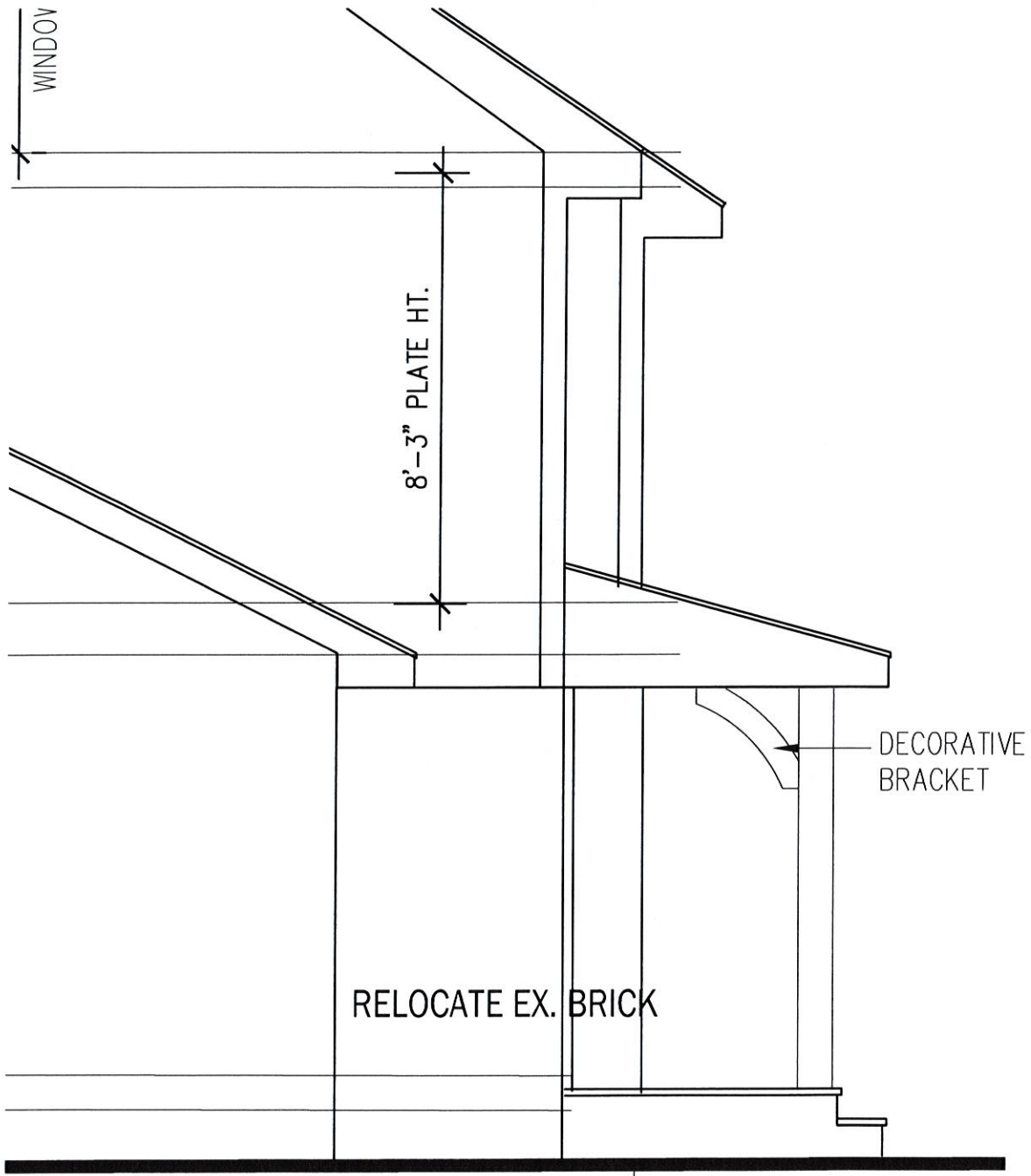
R=185.000'

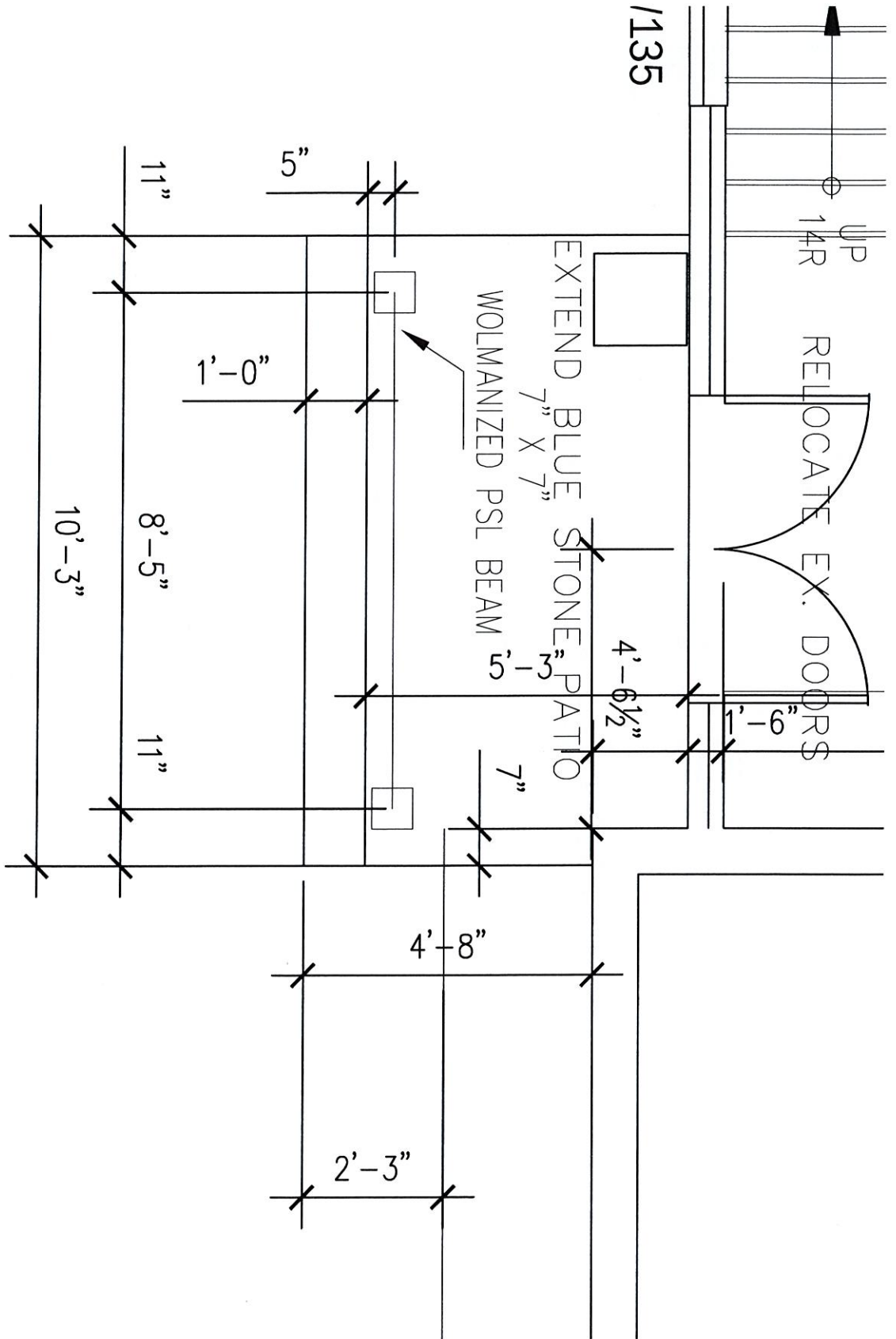
Δ=27°06'32"

POLE # 984 E2

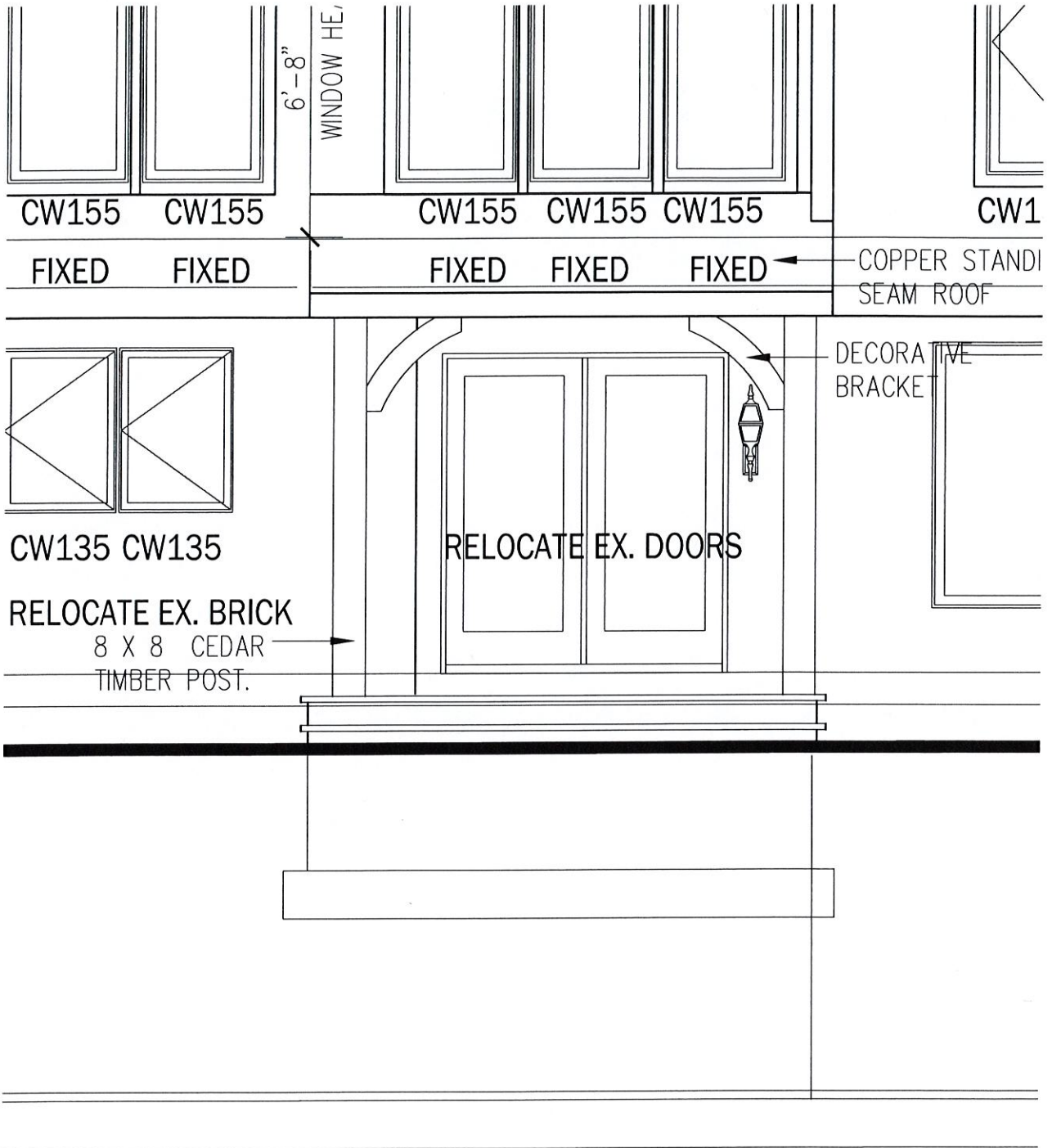
L=87.531'







/135







— south view

— west view

Elevation is  
10' 3"





EXISTING  
NORTH VIEW



new north side view of shed  
as proposed.

