

APPLICATION OR APEAL#: 06-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Kevin Croxton
Mailing Address: 28 Lake Drive South, New Fairfield, CT
Phone#: (518) 928-9911
Email: kevincroxton@gmail.com

2) Premises located at: 28 Lake Drive South, New Fairfield, CT on the (N S E W) side of the street
at approx. 1100 ft feet (N S E W) from Lake Drive North (nearest intersecting road).

3) Property Owner Name: Kevin Croxton

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 20 Block No.: 1 & 10 Lot No.: 60 & 4

5) Zone in which property is located: R-44 Area of Lot: 18,920 SF (0.435 AC.)

6) Dimensions of Lot: Frontage: 100 ft Average Depth: 125 ft

7) Do you have any Right of Ways or Easements on the property? Yes, Firstlight CT Housatonic LLC

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: Appeal #01-87 (01/21/87); Appeal #41-94 (08/01/94)

10) Proposal for which variance is requested: Section 3.2.6.A Front Yard Setback from 40 ft to 23.5 ft.
Section 3.2.6.B Side Yard Setback from 20 ft to 18.7 ft.

Hardship: Pre-existing non-conforming narrow shape lot with significant slope and ledge throughout the entire property.

11) Date of Zoning Commission Denial: January 25, 2022

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

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

Setbacks Requested: Front to: 23 ft Rear to: _____
Side to: 18 ft Side to: _____

13) Use to be made of property if variance is granted: Single-family residence to remain.

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: 01/18/2022

#6

received
1-25-22

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: January 25, 2022

PROPERTY OWNER: Kevin Croxton

PROPERTY ADDRESS: 28 Lake Drive South (C.I.)

APPLICANT/AGENT: Kevin Croxton

MAILING ADDRESS: 28 Lake Drive South (C.I.)

ZONING DISTRICT: R-44 MAP: 20 BLOCK: 1 LOT: 60

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:

3.2.5-Minimum Lot Area & Frontage (A+B)

3.2.6-Minimum Building & Structure Setbacks (A+B)

3.2.8-Maximum Impervious Surfaces

3.2.11-Minimum Lot Dimensions

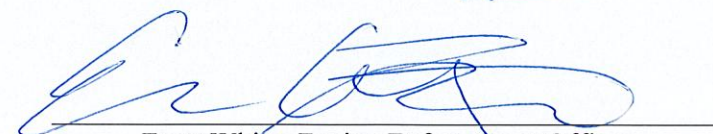
7.1.12-Improved Lots Not In a Validated or Approved Subdivision

7.2.3-Nonconforming Use of Building or Structure; Nonconforming Buildings or Structures (A+B+E)

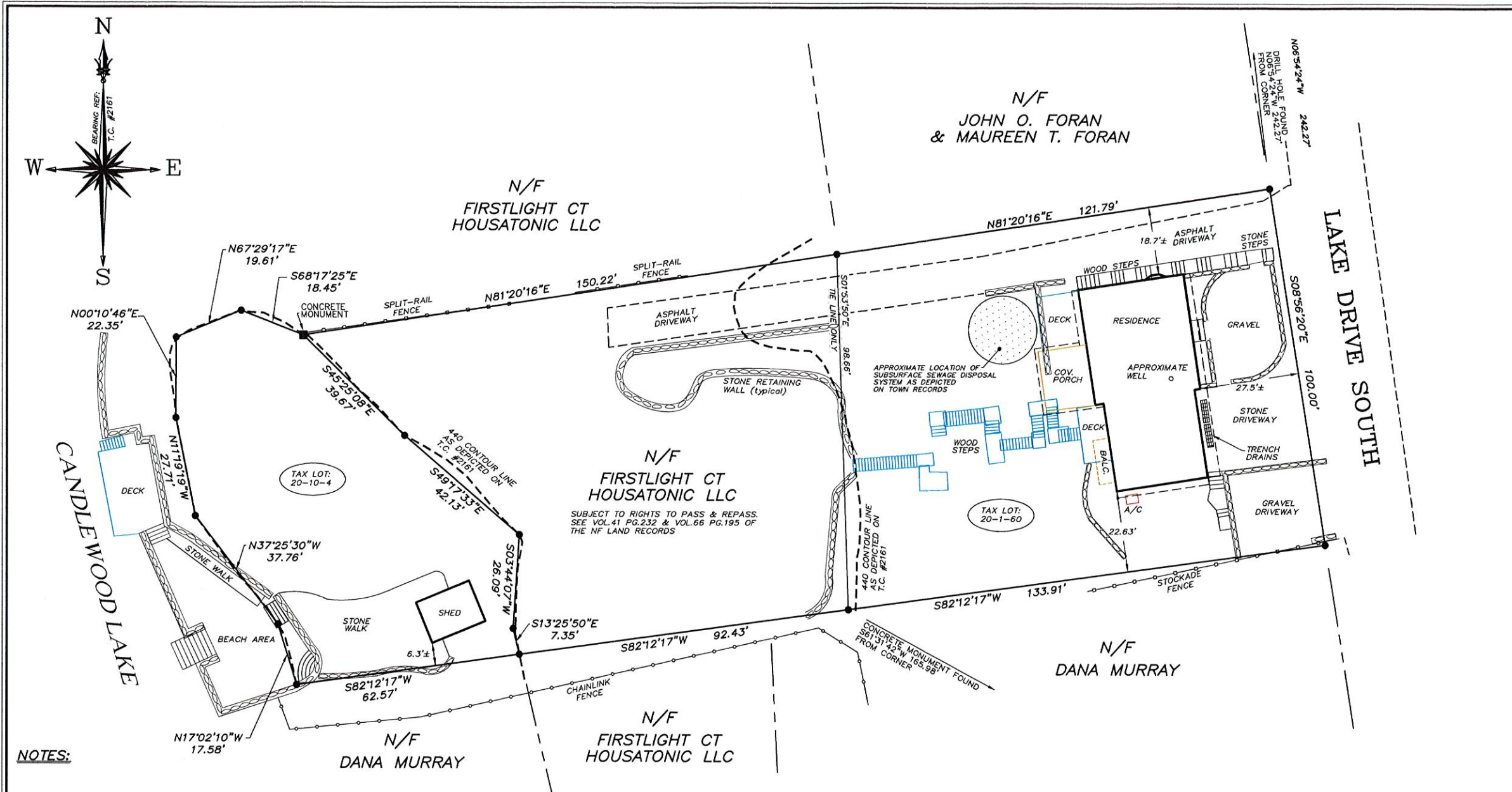
THE INFORMATION ON THIS REPORT IS TO GUIDE THE APPLICANT/PETITIONER AND THE ZONING BOARD OF APPEALS TO APPLY FOR VARIANCES AND/OR OTHER RELIEF, AND IS BASED ON REPRESENTATIONS MADE BY THE PROPERTY OWNER/APPLICANT.

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



NOTES:

THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THROUGH 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. 9/26/96. IT IS A ZONING LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO CLASS "A2" ACCURACY AND IS INTENDED TO BE USED FOR SITE PLANNING PURPOSES.

PROPERTY IS DEPICTED AS LOT 20-1-60 & 20-10-4 IN THE ASSESSORS OFFICE.

PROPERTY IS LOCATED IN "R-44" ZONE.

ZONE AND SETBACKS ARE SUBJECT TO THE DETERMINATION OF THE ZONING ENFORCEMENT OFFICER.

REFER TO MAP Nos. 139, 2161 ON FILE IN THE TOWN CLERKS OFFICE.

UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS IF ANY ARE NOT DEPICTED OR NOTED.

DISTANCES DEPICTED +/- FROM BUILDINGS TO PROPERTY LINES ARE SCALED ONLY AND ARE NOT TO BE USED TO ESTABLISH BOUNDARIES.

THIS SURVEY WAS PREPARED FOR A SPECIFIC PURPOSE, ANY USE OTHER THAN THAT WHICH WAS ORIGINALLY INTENDED IS A MISUSE OF THIS INFORMATION AND RENDERS THE PREPARERS DECLARATION NULL AND VOID.

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY, WHICH BEARS THE LICENSED SURVEYORS LIVE SIGNATURE AND EMBOSSED SEAL, RENDERS ANY DECLARATION NOTED HEREON NULL AND VOID.

AREA:
TAX LOT: 20-10-4
*TO TIE LINES
6,260± S.F.
0.144± ACRES

AREA:
TAX LOT: 20-1-60
*TO TIE LINE
12,660± S.F.
0.291± ACRES

TOTAL AREA:
*TO TIE LINES
18,920± S.F.
0.435± ACRES

ZONING LOCATION SURVEY
PREPARED FOR
KEVIN CROXTON
28 LAKE DRIVE SOUTH
NEW FAIRFIELD, CONNECTICUT

BRAUTIGAM LAND SURVEYORS, P.C.

90 South Main Street
Newtown, Connecticut 06470
Telephone (203) 270-7810
Facsimile (203) 270-8392
E-mail: Surveyor@BrautigamLand.com

TO MY KNOWLEDGE AND BELIEF, THIS SURVEY AND MAP ARE "SUBSTANTIALLY CORRECT" AS NOTED HEREON.

PAUL A. BRAUTIGAM CT. LIC. No. 15166

THE SURVEY DEPICTED HEREON IS NULL AND VOID WITHOUT THE LICENSED SURVEYORS LIVE SIGNATURE AND EMBOSSED SEAL.

JOB No. 5421027-01	SCALE: 1" = 20'	DRAWN BY: SRM
FIELD NOTES: 222/132	DATE: 12/9/21	CHECKED BY: PAB

©

5421027-01.DWG



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 Francagroup LLC
 197 Ethan Allen Hwy, Suite 202
 Wallingford, Connecticut 06497
 203.740.1004 Office
 info@francagroup.com
 www.francagroup.com

ZONING RELATED TERMS:

BUILDING AREA: THE AGGREGATE OR MAXIMUM HORIZONTAL CROSS SECTION AREA OF ALL BUILDINGS ON A LOT WITH DIMENSIONS MEASURED FROM THE OUTSIDE OR EXTERIOR WALLS ON THE GROUND FLOOR, EXCLUDING CORNICES, EAVES, GUTTERS, CHIMNEYS, OR SIMILAR APPURTENANCES PROJECTING NOT MORE THAN THIRTY (30) INCHES.

BUILDING HEIGHT: UNLESS SPECIFIED ELSEWHERE IN THESE REGULATIONS, BUILDING HEIGHT SHALL BE THE VERTICAL DISTANCE MEASURED FROM THE AVERAGE FINISHED GRADE OF THE GROUND SURROUNDING THE BUILDING AND MEASURED FROM WITHIN FIVE (5) FEET OF THE EXTERIOR WALLS OF SAID BUILDING TO THE HIGHEST POINT OF THE ROOF FOR A FRAME, DOME, AND FLAT ROOFS INCLUDING THE TOP OF ANY PARAPET; TO NEW FAIRFIELD ZONING REGULATIONS 11 APRIL 4, 2016 THE SECOND LINE OF MAIN ROOFS; AND TO THE MEAN HEIGHT BETWEEN THE EAVES AND ROOF FOR GABLE, GAMBRREL, ROOFS, HIPPED, BALT-BOX OR SHED ROOFS. CHIMNEYS SHALL NOT BE INCLUDED IN COMPUTING THE HEIGHT LIMITATIONS PROVIDING THAT THE HEIGHT OF SAID PROJECTIONS SHALL NOT EXCEED FIFTY (50) PERCENT OF THE MAXIMUM PERMISSIBLE BUILDING HEIGHT. SEE DIAGRAM IN SECTION 8.4.

FLOOR AREA RATIO (FAR): THE RATIO OF BUILDING AREA OF BUILDINGS, INCLUDING ACCESSORY STRUCTURES, TO THE TOTAL AREA OF A LOT.

FOUR-FORTY LINE: AN ELEVATION (CONTOUR) LINE SURROUNDING LAKE CANDLEWOOD EQUAL TO 440 FEET ABOVE SEA LEVEL (DEFINED AS THE ELEVATION DATUM ESTABLISHED BY THE UNITED STATES GEOLOGICAL SURVEY, NATIONAL GEODETIC VERTICAL DATUM OF 1988 (NVD 88)), FOR PURPOSES OF THESE REGULATIONS, THIS LINE SHALL BE CONSIDERED A LOT LINE.

IMPERVIOUS COVERAGE, EFFECTIVE: THE TOTAL ACTUAL IMPERVIOUS SURFACE CALCULATED FOR POST-DEVELOPMENT CONDITIONS ON A LOT OR PARCEL, REDUCED BY THE AMOUNT OF IMPERVIOUS SURFACE THAT IS SUBJECT TO IMPLEMENTATION OF A STORMWATER MANAGEMENT PLAN. THE STORMWATER MANAGEMENT PLAN MUST EMPLOY LOW IMPACT DEVELOPMENT AS DESCRIBED IN SECTION 6.7 AND OTHER TECHNIQUES THAT CAPTURE, TREAT, AND REDUCE THE NEGATIVE IMPACT OF STORM WATER UP TO AND INCLUDING A TWENTY-FIVE (25) YEAR STORM EVENT.

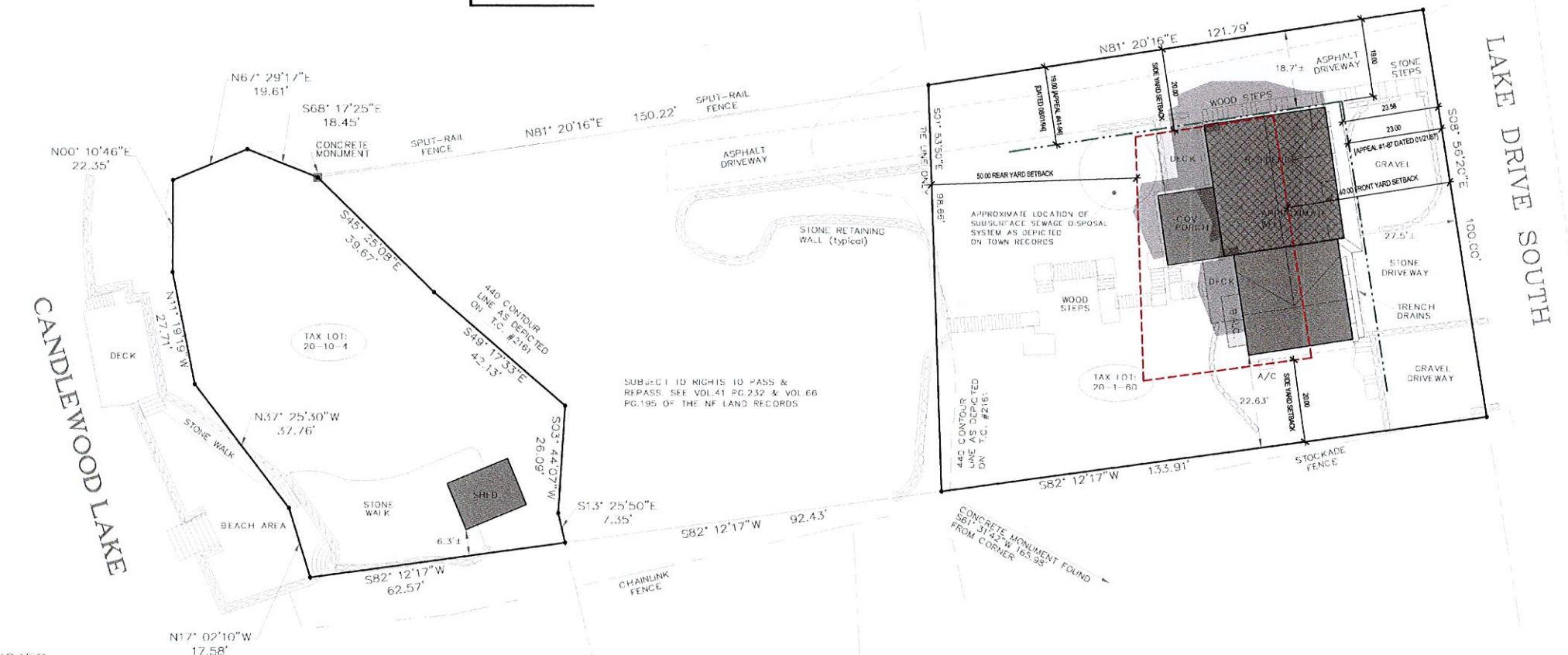
IMPERVIOUS SURFACE: THE AREA OF A PARCEL COVERED BY BUILDINGS, STRUCTURES (NOT INCLUDING DECKS OR SLATED DECKS LESS THAN 200 SQUARE FEET WITH BOARDS NO WIDER THAN 6 INCHES), PAVEMENT, SIDEWALKS, ROADWAYS, DRIVEWAYS PAVED AND UNPAVED, SWIMMING POOLS, BASKETBALL AND TENNIS COURTS, AND OTHER SIMILAR RECREATION COURTS, AS WELL AS OTHER IMPERVIOUS SURFACES THAT PREVENT STORM WATER FROM BEING ABSORBED INTO THE GROUND. OTHER AREAS COVERED BY MANUFACTURED MATERIALS DESIGNED TO ALLOW WATER INFILTRATION AND VEHICLE TRAFFIC, MAY BE CONSIDERED IMPERVIOUS BY THE COMMISSION, IN THE PERCENTAGE RELIABLY DOCUMENTED BY MANUFACTURER OR INTEGRATOR SPECIFICATIONS.

LOT AREA: THE TOTAL HORIZONTAL AREA LYING WITHIN THE LOT LINES, PROVIDED THAT NO AREA OF LAND LYING WITHIN ANY STREET LINE SHALL BE DEEMED A PORTION OF ANY LOT AREA.

LOT COVERAGE: THE PERCENTAGE OF LOT AREA COVERED BY BUILDINGS AND STRUCTURES.

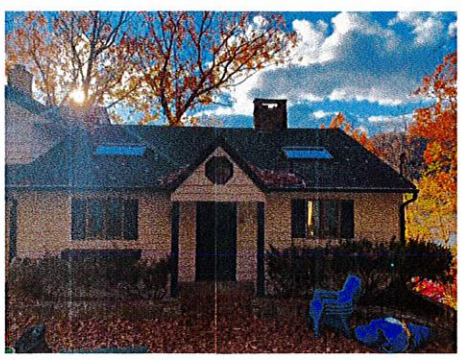
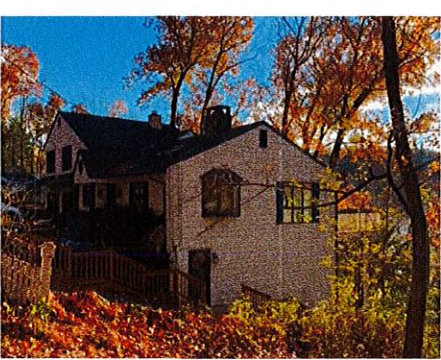
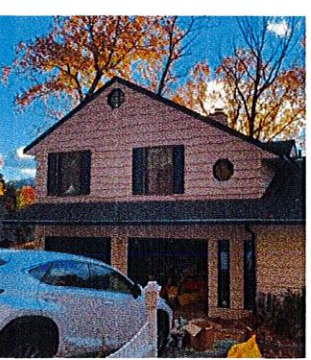
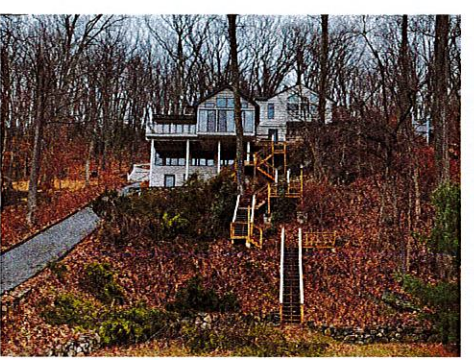
NON-CONFORMING BUILDING OR USE: A BUILDING OR USE THAT DOES NOT CONFORM WITH THE ZONING REGULATIONS APPLICABLE TO THE ZONE IN WHICH THE SAME IS LOCATED. NON-CONFORMING BUILDING OR USE, LEGAL, A BUILDING OR USE THAT DOES NOT CONFORM WITH THE ZONING REGULATIONS APPLICABLE TO THE ZONE IN WHICH THE SAME IS LOCATED, BUT WHICH LEGALLY EXISTED PRIOR TO THE EFFECTIVE DATE OF THESE REGULATIONS, OR ANY AMENDMENT, THERETO, WHICH RENDERED THE NON-CONFORMITY, AND WHICH USE HAS BEEN OPERATING CONTINUOUSLY TO THE PRESENT WITH NO INTENT TO ABANDON SUCH USE.

NON-CONFORMING LOT: A DEVELOPED OR UNDEVELOPED PARCEL OF LAND THAT FAILS TO CONFORM TO THE AREA SHAPE, SETBACK AND/OR FRONTAGE PROVISIONS AND OTHER REQUIREMENTS OF THESE REGULATIONS APPLICABLE TO THE ZONE IN WHICH THE SAME IS LOCATED AND THAT EXISTS LAWFULLY.



SITE INFORMATION: 28 LAKE DRIVE SOUTH

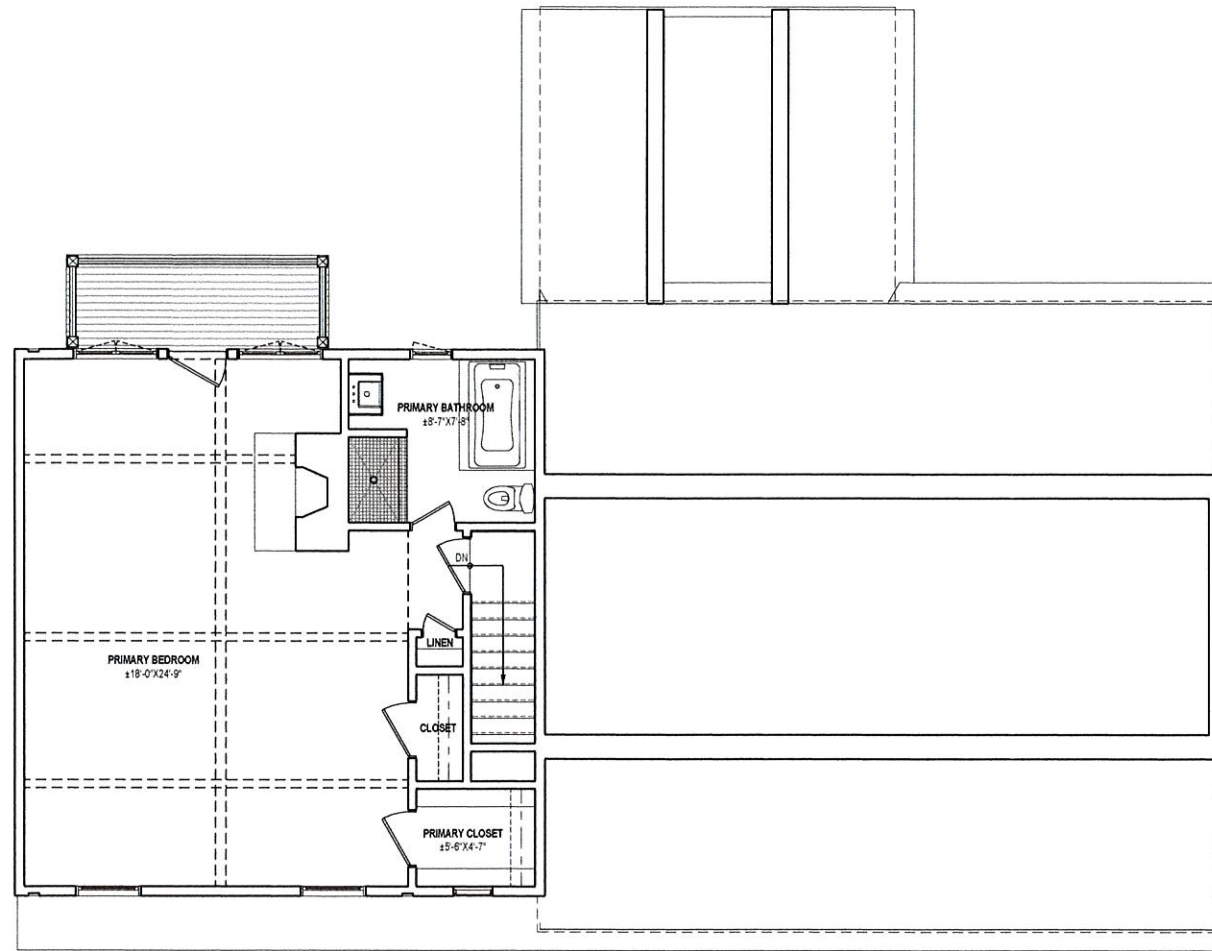
PROPERTY OWNER:	KEVIN CROXTON 28 LAKE DRIVE SOUTH NEW FAIRFIELD, CONNECTICUT 06812	
ZONING DISTRICT:	R-44	
LOT AREA:	5.25 ACRES (228,680 SF)	
SECTION 802A, ZONING REQUIREMENTS FOR R-44		
ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	1 AC (43,560 SF)	0.435 AC (18,900 SF)
MINIMUM ROAD FRONTAGE	125 FT	100 FT
SETBACK REQUIREMENTS		
MINIMUM FRONT YARD SETBACK	40 FT	±27.5 FT (EXISTING)
MINIMUM SIDE YARD SETBACK, LEFT	20 FT	±20 FT
MINIMUM SIDE YARD SETBACK, RIGHT	20 FT	±18.7 FT (EXISTING)
MINIMUM REAR YARD SETBACK	50 FT	±50 FT
BUILDING AND COVERAGE REQUIREMENTS		
MAXIMUM BUILDING AREA	20%	±18.7% (COMPLIES)
MAXIMUM IMPERVIOUS SURFACES	25%	T B D
MAXIMUM EFFECTIVE IMPERVIOUS COVERAGE	10%	T B D
MAXIMUM BUILDING HEIGHT	35 FT	T B D



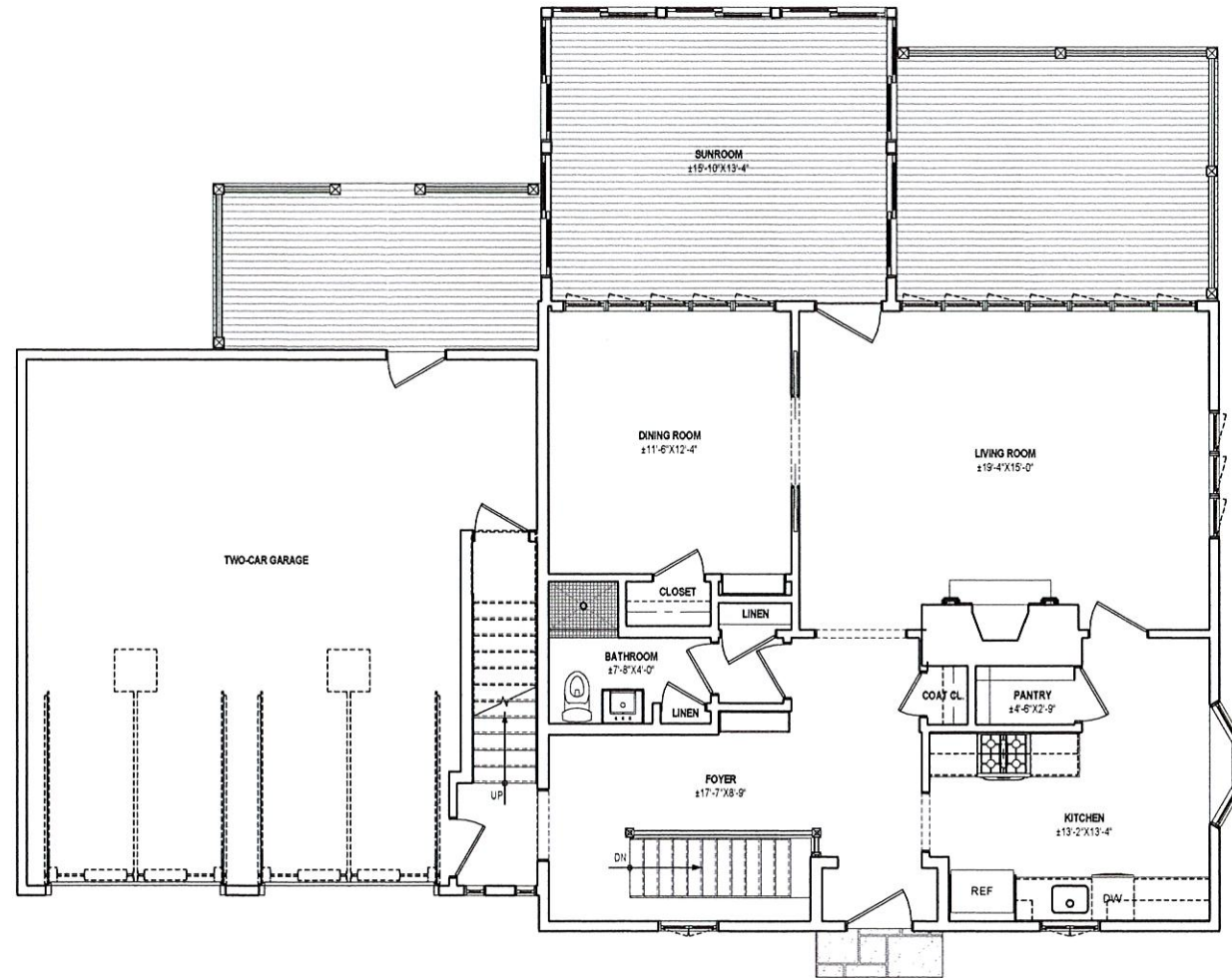
PROJECT NAME
CROXTON RESIDENCE
 28 LAKE DRIVE SOUTH
 NEW FAIRFIELD, CONNECTICUT 06812

PROPOSED SITE PLAN

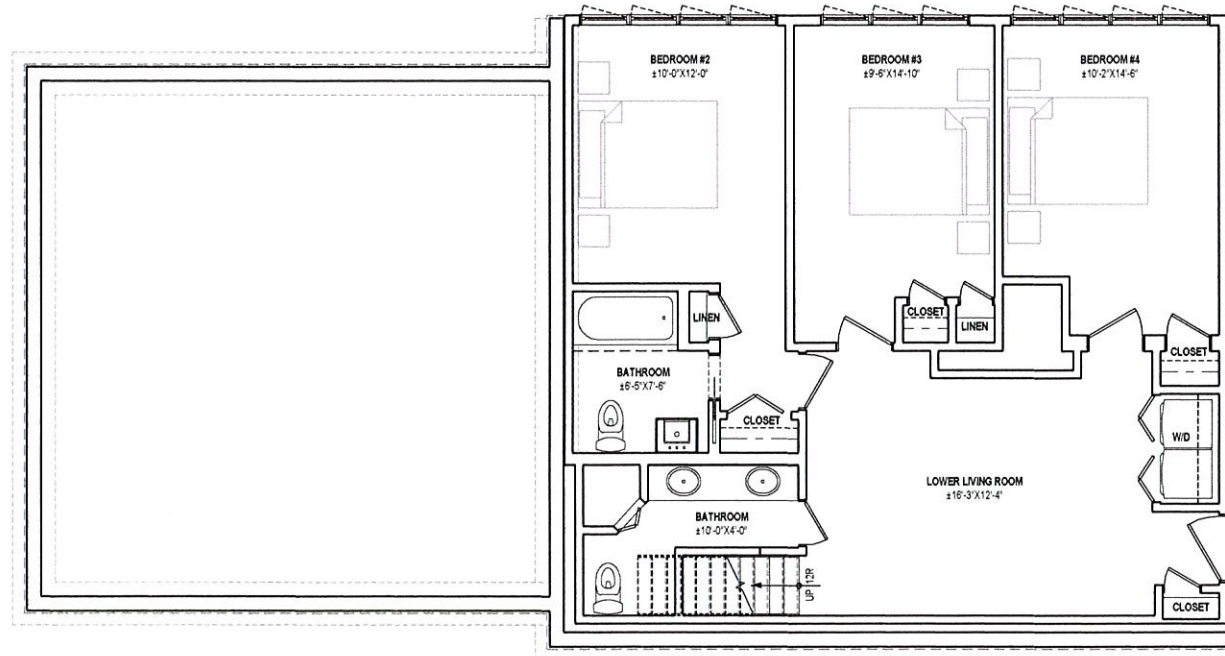
PROJECT NO. 157
 ISSUE DATE 01.18.2022
 SCALE As Indicated
 SHEET NUMBER
AK1.0



3 EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



1 EXISTING LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"



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DATE

REVISIONS

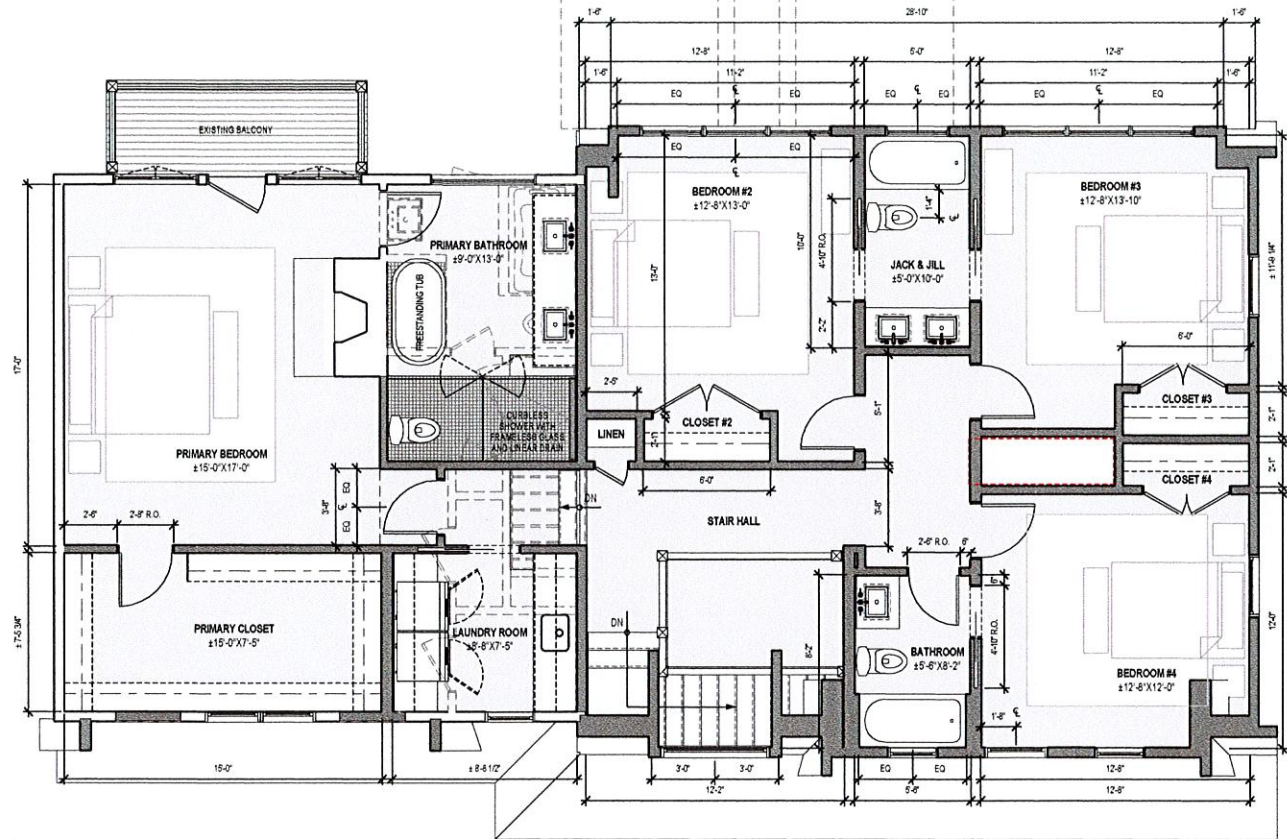


PROJECT NAME
CROXTON RESIDENCE
28 LAKE DRIVE SOUTH
NEW FAIRFIELD, CONNECTICUT 06812

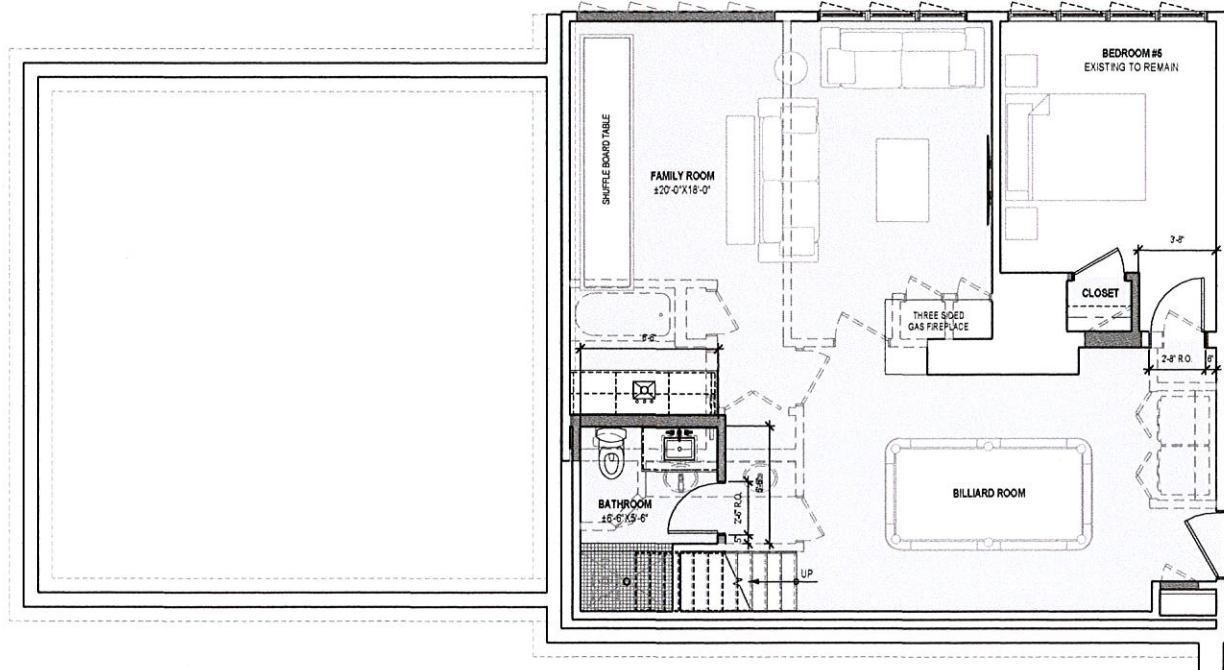
EXISTING FLOOR
PLANS

PROJECT NO. 197
ISSUE DATE 12.03.2021
SCALE 1/4" = 1'-0"

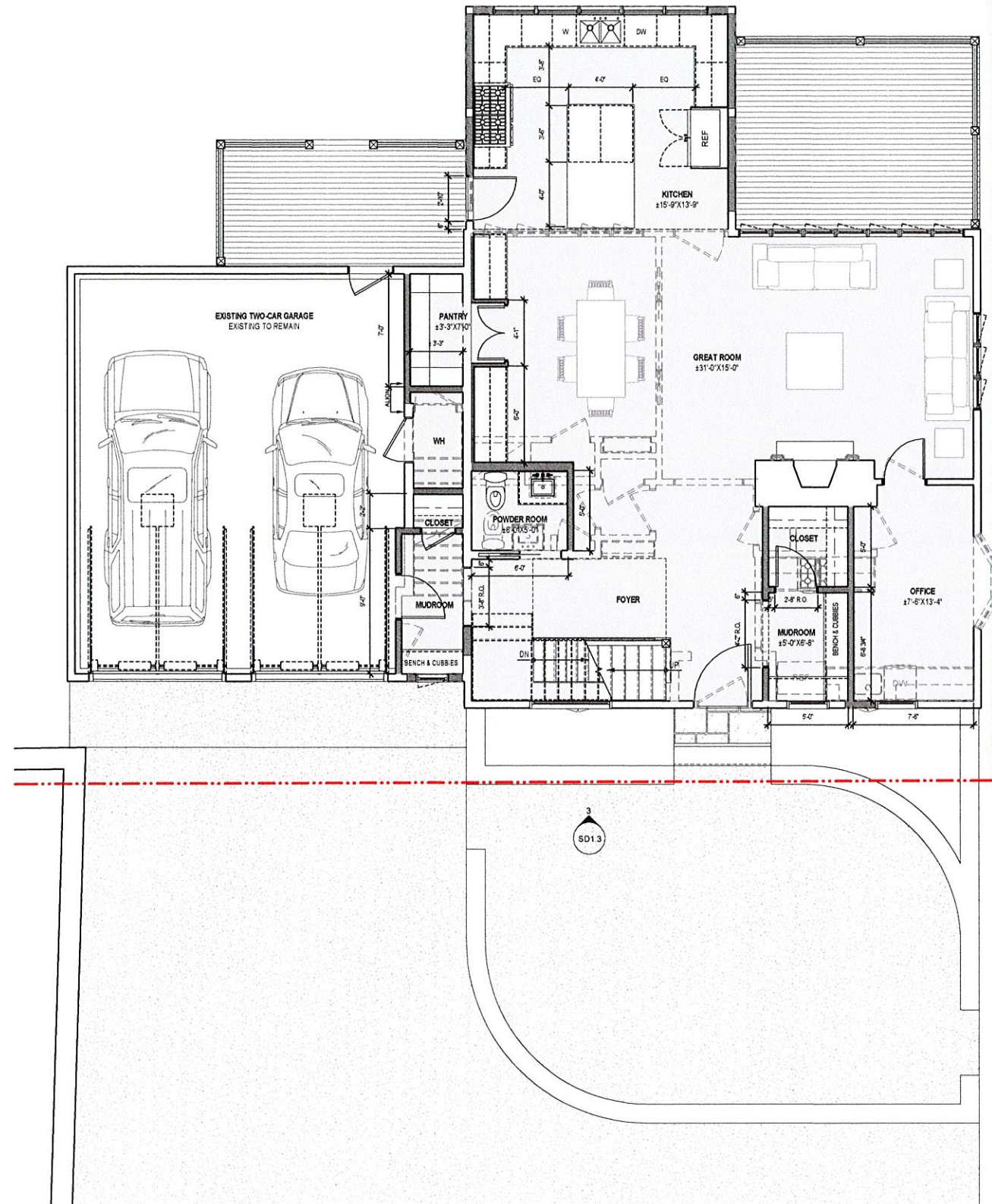
SHEET NUMBER
EX1.1



3 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



1 BASEMENT
SCALE: 1/4" = 1'-0"



2 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



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DATE

REVISIONS

PROJECT NAME
CROXTON RESIDENCE
28 LAKE DRIVE SOUTH
NEW FAIRFIELD, CONNECTICUT 06812

SCHEMATIC
DESIGN
OPTION (5)

PROJECT NO. 197
ISSUE DATE 01.18.2022
SCALE 1/4" = 1'-0"

SHEET NUMBER
SD1.4