

APPLICATION OR APEAL#: 10-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: JOHN MCGUIRK, ARCHITECT
Mailing Address: 18 EDWARDS DRIVE
OXFORD, CT 06478 Phone#: 203-470-2864
Email: MCGUIRK13@ATT.NET

2) Premises located at: 43 SYLVAN ROAD on the (N)S E W side of the street
at approx. 1000 feet (N S E W) from CANDLEWOOD DRIVE (nearest intersecting road).

3) Property Owner Name: LAURENT & RENATA XATARET
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 25 Block No.: 02 Lot No.: 10

5) Zone in which property is located: R-44 Area of Lot: 47,119 SF (1.082 AC)

6) Dimensions of Lot: Frontage: 258.71' Average Depth: 240'

7) Do you have any Right of Ways or Easements on the property? YES

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: 4/18/19 & 2/16/12 (#03-12)

10) Proposal for which variance is requested: ADD GABLE ROOFS OVER EXISTING KITCHEN ROOF

Hardship: STEEP TOPOGRAPHY OF SITE & EXISTING LOCATION OF HOUSE ON PROPERTY, EXCESSIVE LEDGE

11) Date of Zoning Commission Denial: February 22, 2022 THROUGHOUT LOT

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

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

Setbacks Requested: Front to: _____ Rear to: 30.4'
Side to: _____ Side to: _____

13) Use to be made of property if variance is granted: SINGLE FAMILY 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: John McGuirk DATE: 2/10/22



**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE
FROM: Evan G. White, Zoning Enforcement Officer
DATE: February 22, 2022
PROPERTY OWNER: Laurent & Renata Xatart
PROPERTY ADDRESS: 43 Sylvan Road
APPLICANT/AGENT: John McGuirk, Architect
MAILING ADDRESS: 18 Edwards Drive, Oxford, CT 06478
ZONING DISTRICT: R-44 **MAP:** 25 **BLOCK:** 2 **LOT:** 10

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:

3.2.6-Minimum Building and Structure Setbacks (C)

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 Building 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

January 15th, 2022

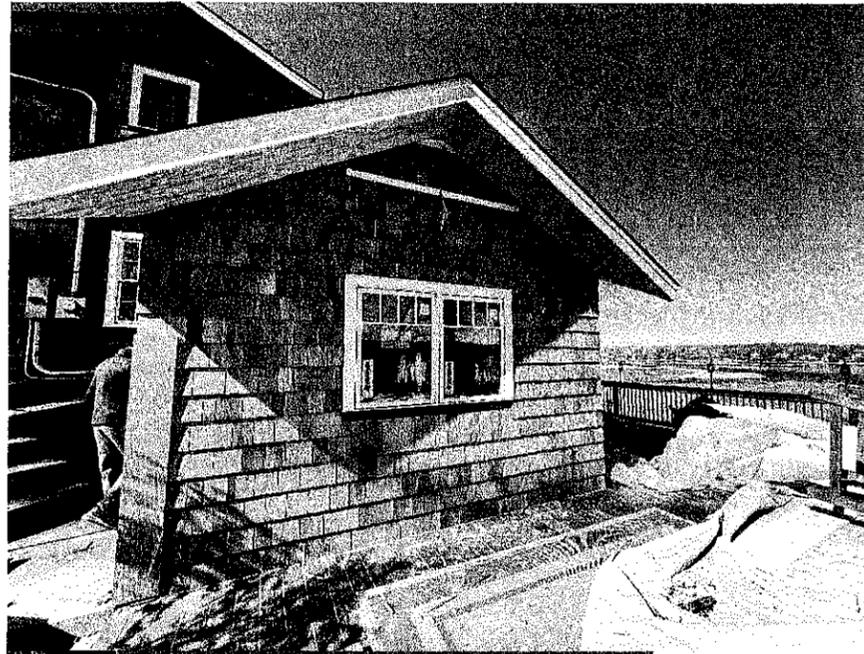
To whom it may concern,

This is a letter of authorization to accept our appointment of John McGuirk as agent to act in our behalf to attain the variances and permits required for our home on 43 Sylvan Road, New Fairfield, CT 06812.

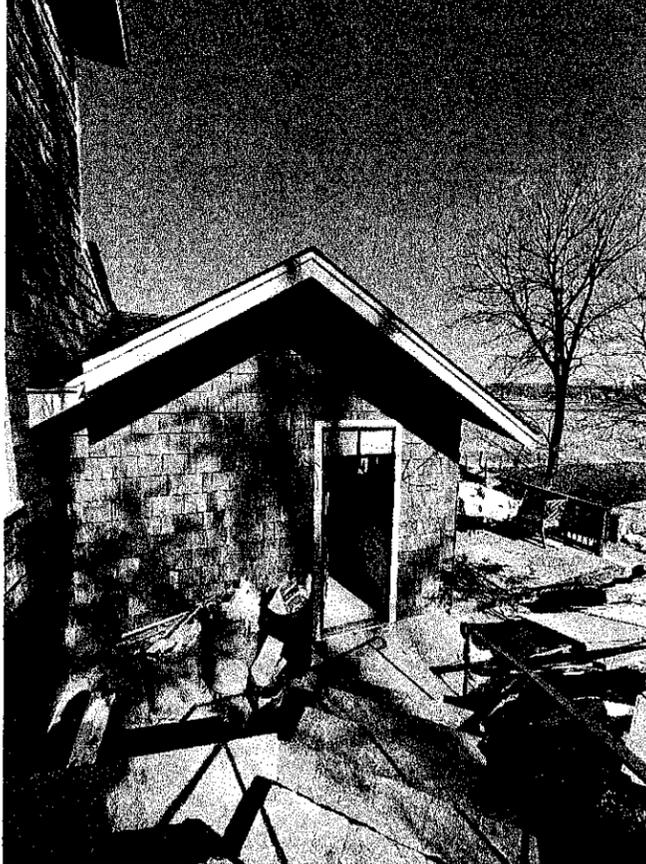
Sincerely,

A handwritten signature in black ink, appearing to read "Laurent Xatart", written in a cursive style.

Laurent Xatart



RIGHT SIDE
REBUILT EXISTING
ROOF



FRONT
GABLE ADDED



RIGHT SIDE

REBUILT EXISTING
ROOF

REAR

GABLE ADDED
AS PER PLAN

IMG_2501.jpg
2.3MB



LAKE CANDLEWOOD

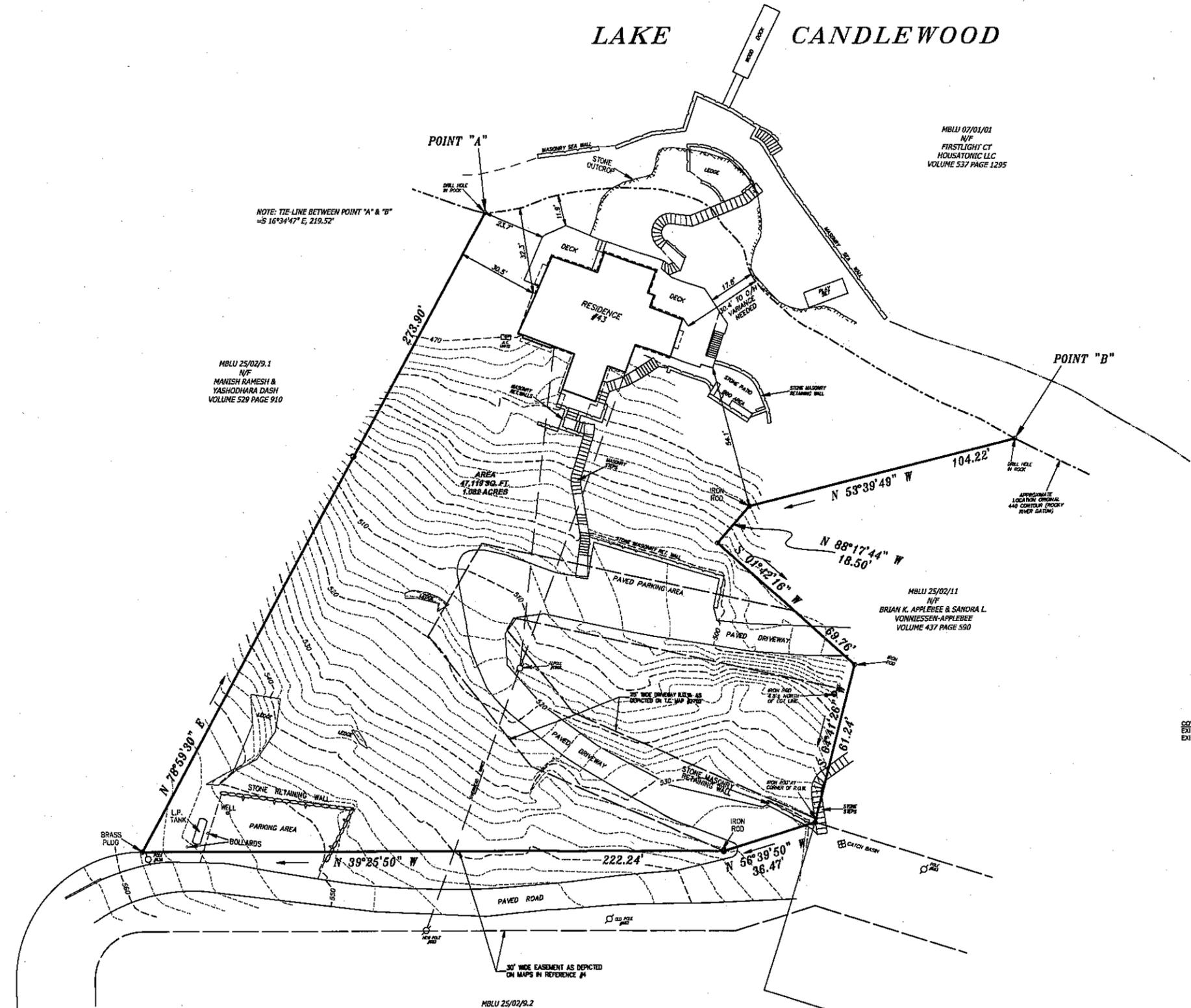
MBLU 07/01/01
N/F
FIRSTLIGHT CT
HOUSATONIC LLC
VOLUME 537 PAGE 1295

NOTE: THE LINE BETWEEN POINT "A" & "B"
= S 16°34'47" E, 219.52'

MBLU 25/02/01
N/F
MANISH RAMESH &
YASHODHARA DASH
VOLUME 529 PAGE 910

MBLU 25/02/11
N/F
BRIAN K. APPLEREE & SANDRA L.
VONNESSEN-APPLEREE
VOLUME 437 PAGE 530

COVERAGE CALCULATIONS:
EXISTING BUILDING COVERAGE: 3,146.5 S.F. - 8.70%
EXISTING IMPERVIOUS COVERAGE: 9,072.5 S.F. - 19.3%



MBLU 25/02/02
N/F
JEFF PRANATTIS
VOLUME 530 PAGE 606

- NOTES:**
1. THE SUBJECT PROPERTY LIES IN THE R-44 ZONE.
 2. ALL MONUMENTATION FOUND OR SET DEPICTED HEREON.
 3. VERTICAL DATUM IS ROCKY RIVER CLAP.
 4. UPON VISUAL COMPARISON OF THE 440 LINE DEPICTED ON THE EXHIBIT G MAPS AND THE 440 LINE DEPICTED AS PER REFERENCE NO. 2 IT WAS DETERMINED THEY ARE SUBSTANTIALLY IN ACCORDANCE WITH EACH OTHER.
 5. PROPERTY IS SUBJECT TO COVENANTS, RESTRICTIONS, NOTES, AGREEMENTS, EASEMENTS AND RIGHTS AS LISTED IN VOLUME 489 PAGES 285-286.
 6. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT AND IS SUBJECT TO THE COVENANTS, RESTRICTIONS AND EASEMENTS THAT MAY BE CONTAINED THEREIN.

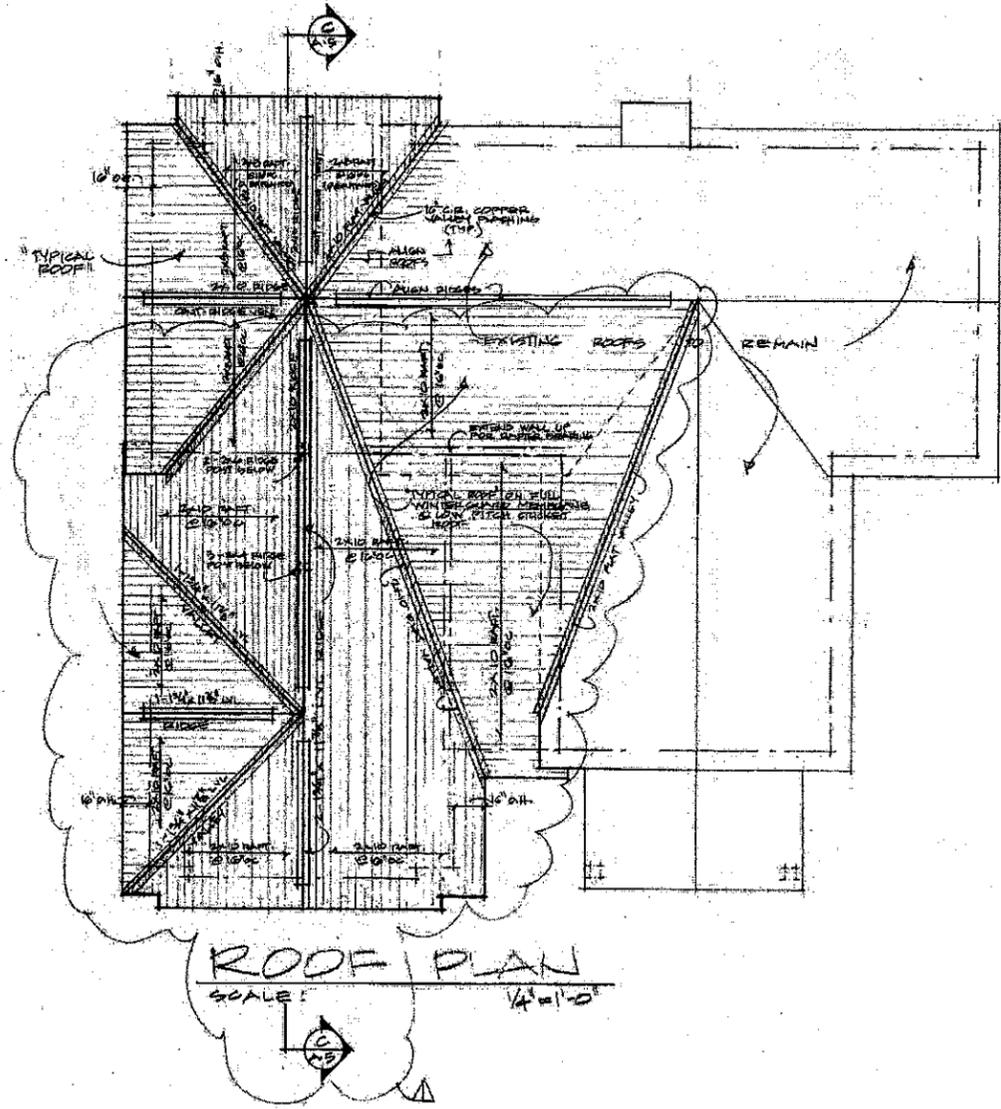
- REFERENCES:**
1. TAX MAPS AND ZONING MAP OF THE TOWN OF NEW FAIRFIELD.
 2. MAP ENTITLED "PROPERTY SURVEY PREPARED FOR LAURENT & RENATA XATART, 43 SYLVAN ROAD BY PAH, INC. - LAND SURVEYORS" DATED MARCH 11, 2019.
 3. MAP ENTITLED "EXHIBIT G - SHEET 24 OF 28 SHEETS - AUGUST 30, 2013, ROCKY RIVER DEVELOPMENT, HOUSATONIC RIVER PROJECT No. 2578, PROJECT MAP, FIRSTLIGHT POWER GENERATION COMPANY".
 4. TOWN CLERK MAPS 335, 779, 1228, 2702, 3155, 3330, 3430, 3447 AND 3460.
 5. VOLUME 489 PAGE 285.

DATE	DESCRIPTION
	PROPERTY & TOPOGRAPHIC SURVEY PREPARED FOR LAURENT & RENATA XATART MBLU 25/02/10 43 SYLVAN ROAD NEW FAIRFIELD, CONNECTICUT
Date:	12/06/2021
Scale:	1"=20'
Project:	21-529
File:	5098
Acad:	21529-A272
Sheet:	1 OF 1
Drawn by:	KBT
Checked by:	DSB
40 Old New Milford Road Brookfield, Ct. 06804 (203) 775-6207 www.ccaengineering.com	

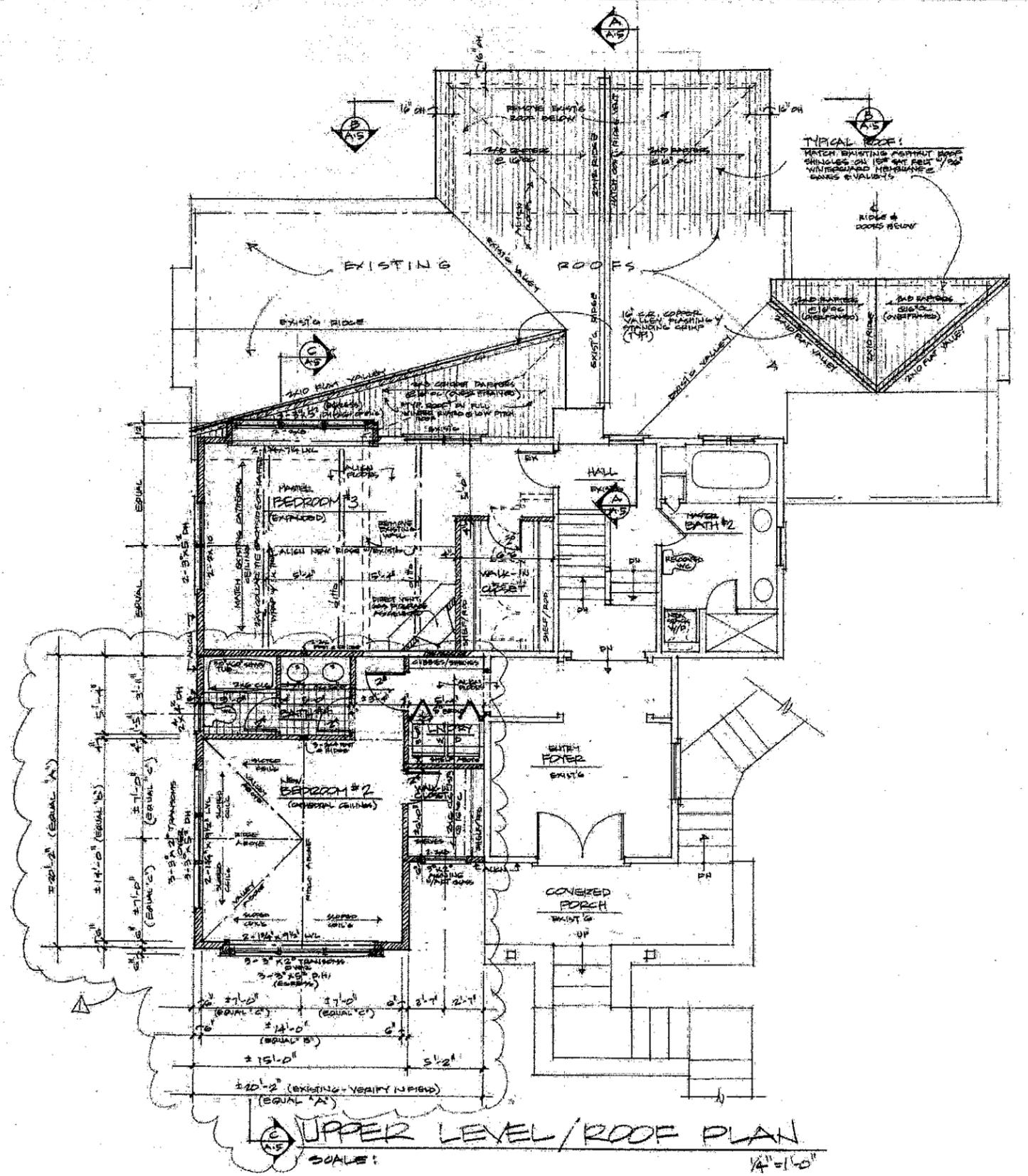
I HEREBY DECLARE THAT TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON. IT HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THROUGH 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES AND THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.

THIS MAP IS A DEPENDENT RESURVEY CONFORMING TO THE STANDARDS OF A HORIZONTAL CLASS A-2 AND TOPOGRAPHICAL T-2 SURVEY.

DOUGLAS S. BELKNAP, L.S. CT LIC. #78905
NOT VALID WITHOUT EMBOSSED SEAL.



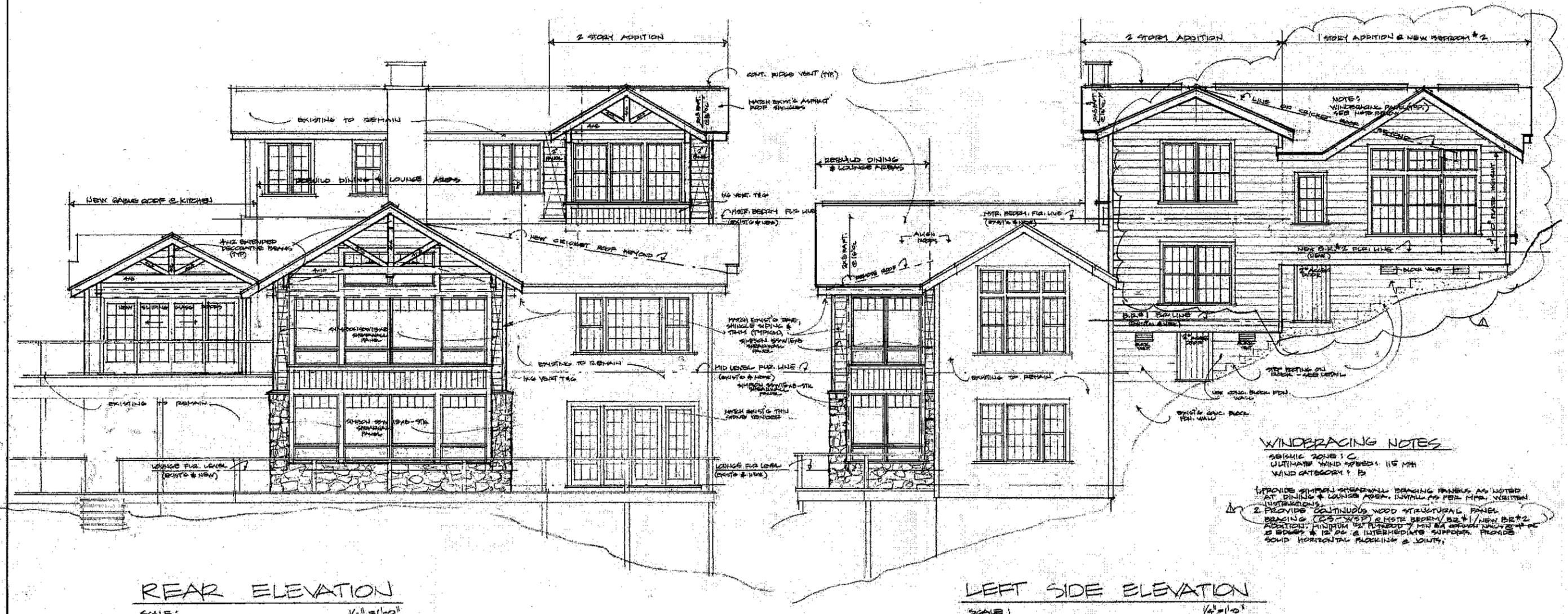
ROOF PLAN
SCALE: 1/4"=1'-0"



UPPER LEVEL/ROOF PLAN
SCALE: 1/4"=1'-0"

REV	DATE	REVISION	DATE	PROJECT NO	PROJECT NAME	CLIENT	ADDRESS
Δ	3/9/21	ADD DC#2 & BATH, ETC.	JAN 2, 2019	1503/2106	UPPER LEVEL/ROOF & ROOF PLAN	John P. McGuirk, Architect	5 Main Street, Riverton, Connecticut 06065 860-738-9411 203-470-2884
							ALTERATION & ADDITION TO XATART RESIDENCE
							43 SYLVAN ROAD NEW FAIRFIELD, CONNECTICUT

A-02



WINDBRACING NOTES
 SEISMIC ZONE 1 C
 ULTIMATE WIND SPEED: 115 MPH
 WIND CATEGORY: B
 1. PROVIDE SHEAR WALL BRACING PANELS AS NOTED AT DINING & LOUNGE AREAS. INSTALL AS PER FEMA WRITER'S INSTRUCTIONS.
 2. PROVIDE CONTINUOUS WOOD STRUCTURAL PANEL BRACING (2x8-12x8) @ 16" O.C. @ 1st FLOOR. PROVIDE 2x8 BRACING @ 16" O.C. @ 2nd FLOOR. PROVIDE SOLID HORIZONTAL BRACING & JOINTS.

REAR ELEVATION
 SCALE: 1/4" = 1'-0"

LEFT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

1003/2106

REV	DATE	REVISION	DATE	PROJECT	DESCRIPTION	PROJECT NO.	ADDRESS
1	3/31/21	ADD NEW BR'S, REVISE HSTR # 12-11 WINDOWS	JAN. 2, 2019	1003/2106	REAR & LEFT SIDE ELEVATIONS	ALTERATION & ADDITION TO XATART RESIDENCE	43 SILVAN ROAD NEW FAIRFIELD, CONNECTICUT

A-03

John P. McGuirk, Architect
 5 Main Street, Riverton, Connecticut 08085
 880-738-9411 203-470-2864

General Notes

- All work shall conform to these drawings and governing codes and ordinances.
- All electrical work shall conform to the National Electrical Code and local ordinance.
- Contractor to verify all dimensions in field and notify Architect immediately of any discrepancies.
- The Contractor shall protect the building premises and all occupants from the project site. The Contractor shall provide and maintain all necessary coverings, boards, temporary partitions and doors as required to protect existing work and finishes to remain at the jobsite and all areas of the building affected by construction. The Contractor shall be held responsible for all damages caused by improper protection and shall make all necessary repairs or replacements without additional charges to the party affected.
- All footings shall rest on undisturbed soil or rock having a minimum bearing capacity of two tons per square foot. Elevations of footings shown on plans are for estimating purposes and shall be adjusted to required bearing strata as found upon excavation. Footings shall not be placed on rock whose surface slopes more than 10%. Unsuitable soil, if encountered, shall be removed and replaced with compact gravel fill with minimum bearing capacity of 2 tons (4000 psf).
- Concrete work shall conform to ACI 318-77.
- Concrete to be poured in place construction shall be stone concrete having a minimum 3000 PSI ultimate strength at 28 days.
- Bottoms of exterior footings to be placed a minimum of 3'-6" below finished grade or 18" below existing grade which ever is deeper.
- Do not backfill against foundation wall until concrete has attained maximum strength. Where backfill is placed, use temporary bracing.
- Where footings are stepped, bottoms to be stepped not more than two feet vertical to four feet horizontal.
- Slabs to bear on 6" porous gravel or stone fill. Provide 6 mil polyethylene vapor barrier under slab.
- If rock is encountered, clean off entire area to be excavated, contact Architect and Owner before proceeding.
- Provide 1/2" diameter x 12" long (minimum) threaded anchor bolts at 6'-0" o.c. (maximum), to anchor exterior sills to foundation. Minimum two per plate and two per corner.
- Reinforcing bars to be deformed billet steel bars conforming to ASTM-615 Grade 40 welded wire mesh, ASTM A-183.
- Brick and concrete masonry walls shall conform to the "Recommended Practice for Engineered Brick Masonry", latest edition by Structural Clay Products Institute or for Concrete Masonry, by National Concrete Masonry Association.
- Concrete block shall be the following types:
 ASTM C-90, Grade N-1
 ASTM C-145, Grade N-1

- All mortar shall be ASTM C-270 type S.
- All framing shall be in accordance with the latest edition of "National Design Specifications for Stress Graded Lumber and its Fastenings", as published by the National Lumber Manufacturers Association.
- All workmanship including nailing, blocking, bridging, etc., shall conform to the Connecticut State Building Code (INTERNATIONAL RESIDENTIAL CODE).
- Structural lumber shall be Douglas Fir/Larch or similar species, No.1 / No.2 meeting the following allowable stress requirements:
 Bending Fb = 625 PSI, Stress parallel to grain Fv = 95 PSI, Compression perpendicular to grain Fc = 625 PSI, Compression parallel to grain Fc = 1350 PSI, and Modulus of Elasticity E = 1,600,000
- Laminated Veneer Lumber shall be Micro-lam (LVL) or Parallel (PSL) and shall meet the following allowable stress requirements:
 Bending Fb = 2,400 PSI, Compression Fc = 2,200 PSI, Bearing Fb = 410 PSI and Shear Fv = 2,000 PSI.
- All lumber used in the construction shall be good sound, dry material free from rot, large and loose knots, shakes, and other imperfections whereby the strength may be impaired and of size indicated on drawings, and erected level or plumb.
- Provide ledgers, blocking, nailers and rough opening hardware as required.
- Provide 4"x4" post (4"x6" @ exterior walls) or 2"x4" (2"x6") spiked at bearing points at all double framing members unless otherwise noted.
- Provide 3-2"x4" post (3-2"x6" @ exterior walls), spiked at bearing points at all triple framing members unless otherwise noted.
- All beams to be set with natural crown up.
- Provide double joists under all partitions parallel to joists.
- Frame with double headers and trimmers around openings larger than spacing of joists.

Transition from New Work to Existing Work

All new floors, walls and ceilings shall be square, level and plumb. All floors, walls and ceilings meeting existing work shall be constructed as flush continuous surfaces. Existing work found to be out of square, level or plumb as to create a visual break or hazardous condition shall be brought to the attention of the Owner to determine adjustments to the existing or new work to create an acceptable transition.

Hazardous Materials

In the event the Contractor encounters the onsite material reasonably believed to be asbestos or polychlorinated biphenyl (PCB) which has not been rendered harmless, the Contractor shall immediately stop work in the area affected and report the condition to the owner in writing.

General Contractor Notes

- General Contractor to comply with all codes and ordinances.
- General Contractor to obtain all permits and inspections.
- General Contractor to provide all labor and material as specified by job condition or code.
- General Contractor to remove all construction debris and dispose of same legally.
- All work, both new and old, shall be protected at all times.
- General Contractor to provide all required shoring and temporary support of all walls, floors, ceilings, etc. for removal of existing walls and replacement with new walls and/or headers.
- General Contractor to obtain Certificate of Occupancy and deliver same to owner.

Plumbing, Electric and Heating

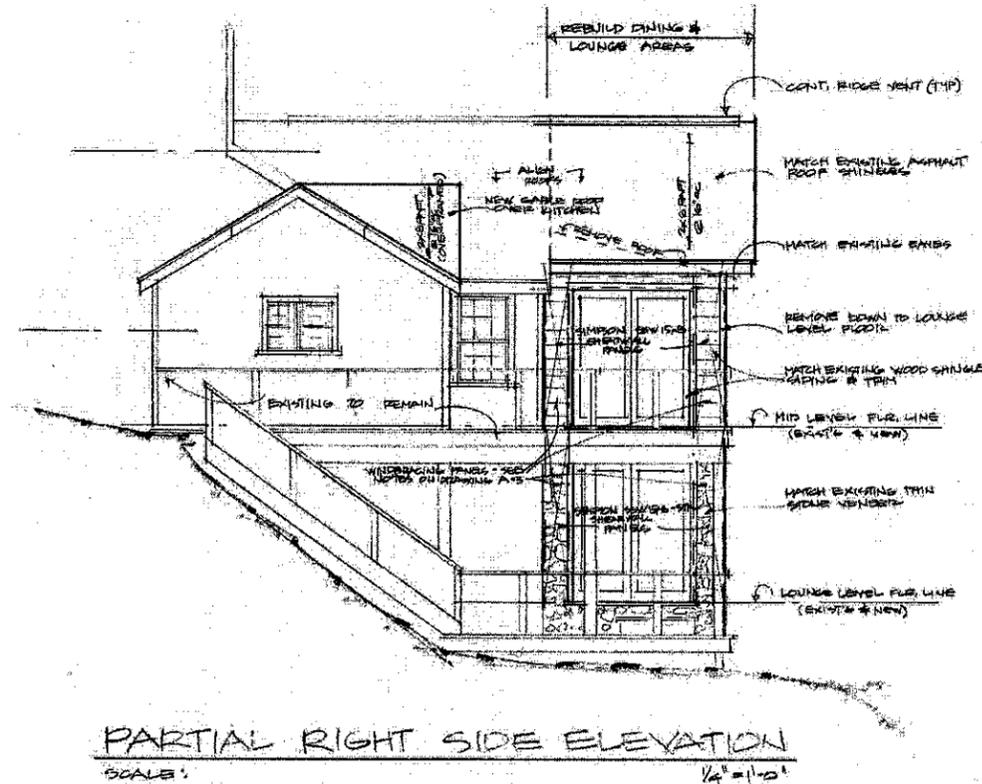
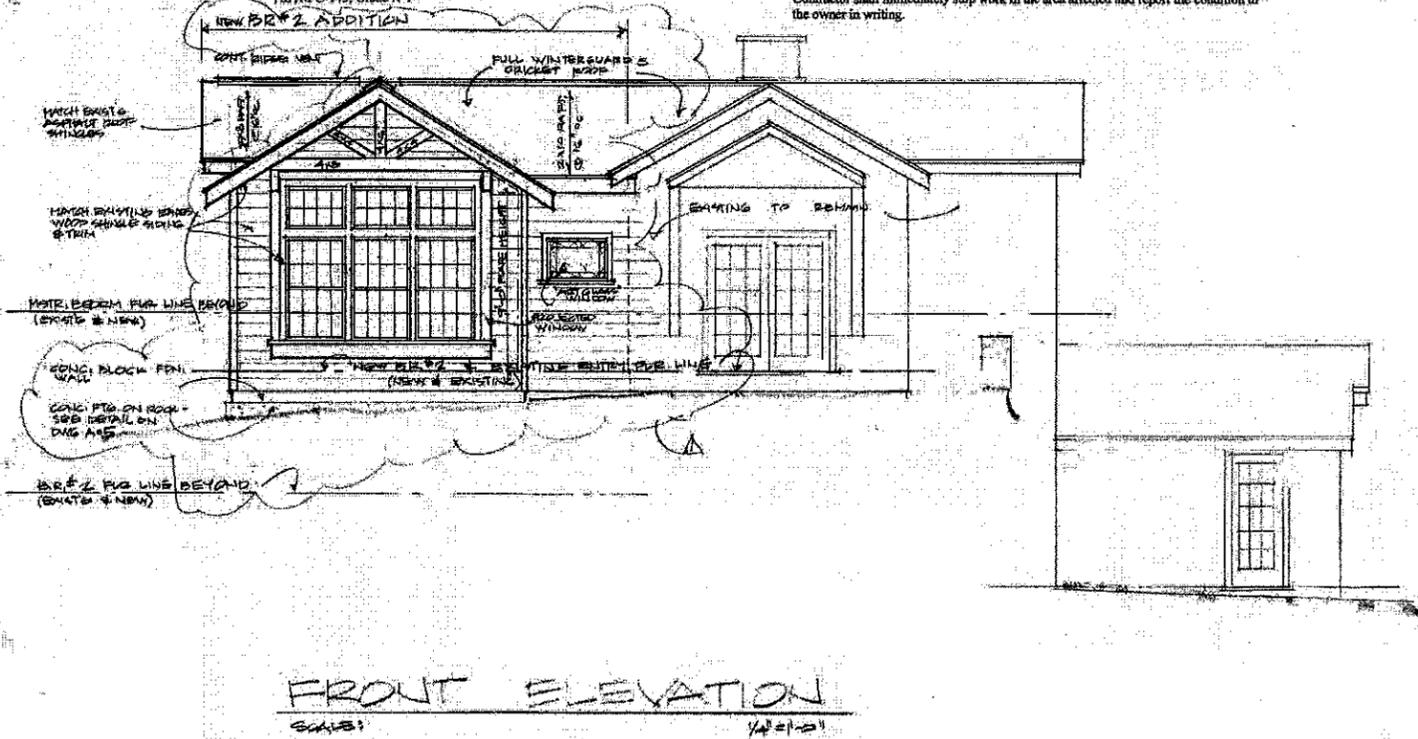
- Verify capacity of existing systems and adjust or increase as required.
- General Contractor is required to provide all necessary design, permits and inspections for this work.
- Consult with owner regarding locations of all switches, registers and outlets.
- All work shall be in accordance with all local, state and federal codes as applicable.
- All work shall be warranted for one (1) year after final completion.

Finishes

It is the intent of these drawings to facilitate the construction of a completed project. Consult with owner regarding finishes, colors, flooring, trim, hardware, built-ins, cabinets, landscaping, etc., as may be required to properly bid.

Matching Details

It is the intent of these drawings to match existing details and align eaves, window heads or other design elements as noted on the drawings. Details reflect assumptions about structure now concealed. The Contractor is responsible to build in conformance with the intent as stated above. If construction is found to be different than is detailed, adjust framing accordingly. Alert architect and owner to necessary changes in the work prior to construction or fabrication.



REV#	DATE	REVISION	DATE	PROJECT	DESCRIPTION	LOCATION
1	3/1/21	ADD NEW BR 2 ADDITION	JAN. 2, 2019	FRONT & PARTIAL RIGHT SIDE ELEVATIONS & NOTES	ALTERATION & ADDITION TO XATART RESIDENCE	43 SYLVAN ROAD NEW FAIRFIELD, CONNECTICUT