

APPLICATION OR APEAL#: 13-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Leslie Lipka and Steven Sherman
Mailing Address: 10 Coppel Dr Tenafly, NJ 07670
201 755-4276 (cell) Phone#: 201 541-4080 (home)
Email: LJL5@aol.com

2) Premises located at: 29 Bull Pond Rd East on the (N S E W) side of the street
at approx. 100 feet (N S E W) from Meadow Ridge Dr (nearest intersecting road).

3) Property Owner Name: Leslie Lipka and Steven Sherman
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 22 Block No.: 5 Lot No.: 13

5) Zone in which property is located: R-44 Area of Lot: 3,375 sq. ft

6) Dimensions of Lot: Frontage: 50' Average Depth: 167.5'

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? No

If so, give dates and application numbers: _____

10) Proposal for which variance is requested: Repair terrace by enclosing as
3 season room using current building footprint.

Hardship: Small lot size ; terrace on top of basement rotted through in urgent
need of repair; seasonal rating of residence (cottage) limits availability to maintain
as terrace

11) Date of Zoning Commission Denial: March 29, 2022

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

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

Setbacks Requested: Front to: 20.8' (existing) Rear to: 21.9' 20.5'
North Side to: 9.4' (existing) Side to: _____

13) Use to be made of property if variance is granted: Three season room in residential (cottage)

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: Leslie J Lipka DATE: 3 March 2022

received
5-4-22 (e)

PROPOSAL

APR 16 2022

ZONING BOARD OF APPEALS

#1

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE
FROM: Evan G. White, Zoning Enforcement Officer
DATE: March 29, 2022
PROPERTY OWNER: Leslie Lipka & Steven Sherman
PROPERTY ADDRESS: 29 Ball Pond Road East
APPLICANT/AGENT: Leslie Lipka & Steven Sherman
MAILING ADDRESS: 10 Copell Drive, Tenafly, NJ 07670
ZONING DISTRICT: R-44 **MAP:** 22 **BLOCK:** 5 **LOT:** 13

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:

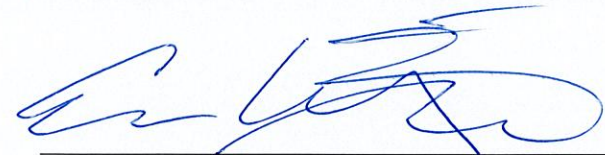
Sections:

3.2.5-Minimum Lot Area & Frontage (A+B)
3.2.6-Minimum Building & Structure Setbacks (A+B+C)
3.2.8-Maximum Impervious Surface
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.

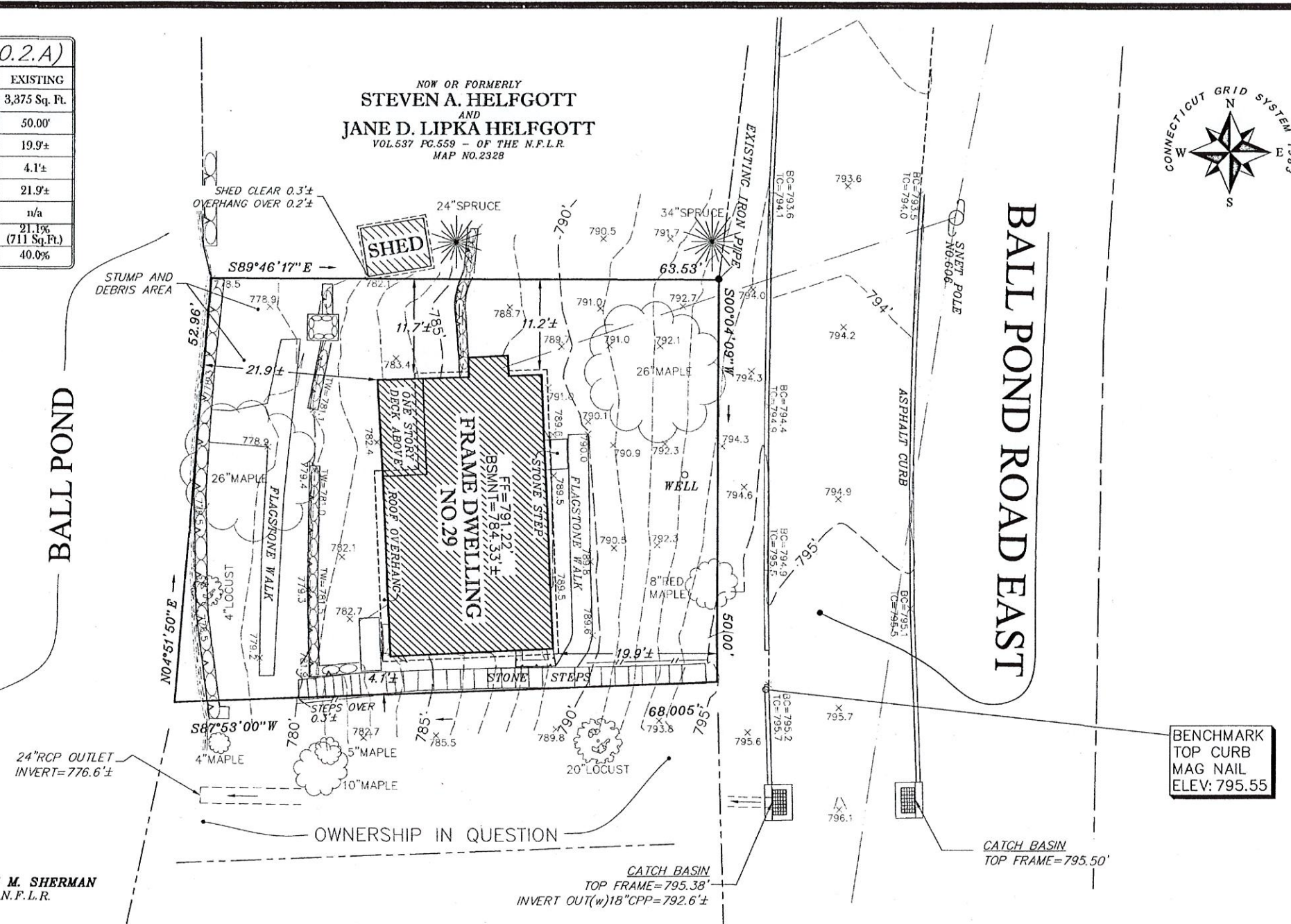
IN COMPLEX MATTERS, THE OWNER/APPLICANT MAY WISH TO SECURE THE SERVICES OF AN ATTORNEY.



Evan White, Zoning Enforcement Officer
Town of New Fairfield

ZONING DATA - R-44 (SEC.3.0.2.A)		
GENERAL PROVISIONS	PERMITTED	EXISTING
a. MINIMUM LOT AREA	43,560 Sq. Ft.	3,375 Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0'	50.00'
c. MINIMUM FRONT YARD	40.0'	19.9±
d. MINIMUM SIDE YARD	20.0'	4.1±
e. MINIMUM REAR YARD	50.0'	21.9±
f. MAXIMUM HEIGHT	35.0'	n/a
g. MAXIMUM BUILDING AREA	20%	21.1% (711 Sq.Ft.)
h. MAXIMUM IMPERVIOUS SURFACES	25%	40.0%

LEGEND	
	CATCH BASIN
	UTILITY POLE
	UTILITY BOX (SIZE & USE VARIES)
	OVERHEAD SERVICE WIRES
	EDGE OF PAVEMENT
	CURBING (TYPE VARIES)
	WOOD FENCE
	WIRE FENCE
	STONE/MASONRY RETAINING WALL
	1' CONTOUR
	5' CONTOUR
	SPOT ELEVATION



OWNERSHIP NOTES:

- OWNERS OF RECORD: **LESLIE J. LIPKA and STEVEN M. SHERMAN**
VOL.562 PG.1169-1171 OF THE N.F.L.R.

SURVEY NOTES:

- THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019. IT IS AN TOPOGRAPHIC SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2, VERTICAL ACCURACY V-2 AND TOPOGRAPHICAL ACCURACY T-2.
- MONUMENTATION FOUND OR SET DEPICTED HEREON.
- ELEVATIONS DEPICTED REFER TO NORTH AMERICAN VERTICAL DATUM 1988.
- REFERENCE MADE TO MAP Nos.730, 2074 AND 2328 OF THE NEW FAIRFIELD LAND RECORDS.
- PROPERTY/BOUNDARY LINES DEPICTED HEREON ESTABLISHED BY VOL.562 PG.1169-1171 AND MAP NO.2074 OF THE NEW FAIRFIELD LAND RECORDS.
- THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A PROVIDED TITLE ABSTRACT.
- REFERENCE MADE TO SECTION 8-13a OF THE CONNECTICUT GENERAL STATUTES.
- UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST WITHIN THE AREA DEPICTED, THE EXISTENCE OF WHICH ARE UNKNOWN TO SYDNEY A. RAPP LAND SURVEYING, P.C. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 811 OR 1-800-922-4455.
- REVISION OF FEBRUARY 26, 2022 MADE TO ADD OFFSET DIMENSION TO THE NORTHWESTERLY PORTION OF THE EXISTING DWELLING. NO FIELD INSPECTION OF PREMISES OR RECORD RESEARCH CONDUCTED FOR FEBRUARY 26, 2022 MAPPING.

NOW OR FORMERLY
AMBER HOMES, LLC ET AL
VOL.317 PG.452 - OF THE N.F.L.R.

*** IMPORTANT ***
LOCATION OF UNDERGROUND UTILITIES DEPICTED HEREON ARE APPROXIMATE. NO WARRANTY NOR GUARANTEE OF LOCATION MADE. PRIOR TO ANY CONSTRUCTION OR EXCAVATION CONTACT "CALL BEFORE YOU DIG" 811 or 1(800)922-4455

TOPOGRAPHIC SURVEY

PREPARED FOR
LESLIE J. LIPKA and STEVEN M. SHERMAN
DEPICTING PROPERTY SITUATED AT
29 BALL POND ROAD EAST
NEW FAIRFIELD, CONNECTICUT
TAX ASSESSOR MAP 22 ~ BLOCK 5 ~ LOT 13

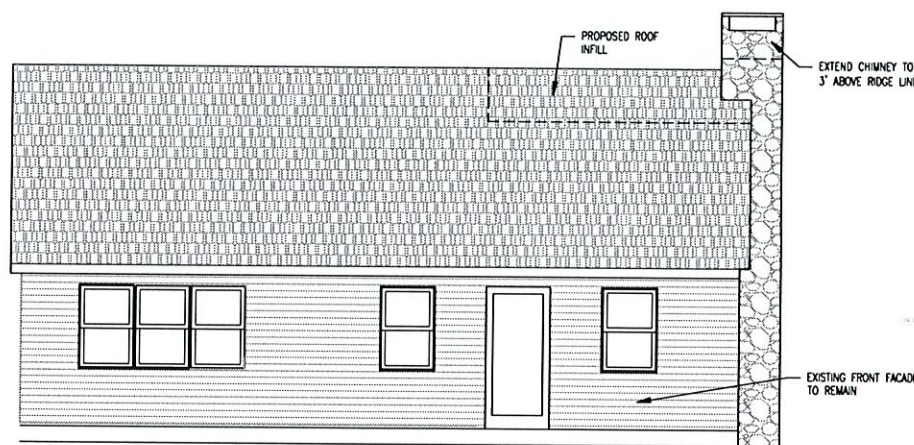
5' 0 25' 50'

SCALE: 1"=10'	ZONE: R-44	TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON
AREA: 3,375 Sq. Ft.	DATE: SEPT. 30, 2021	
DWG NAME: 21259-TOPO.1.R2	REVISED: FEB. 26, 2022	

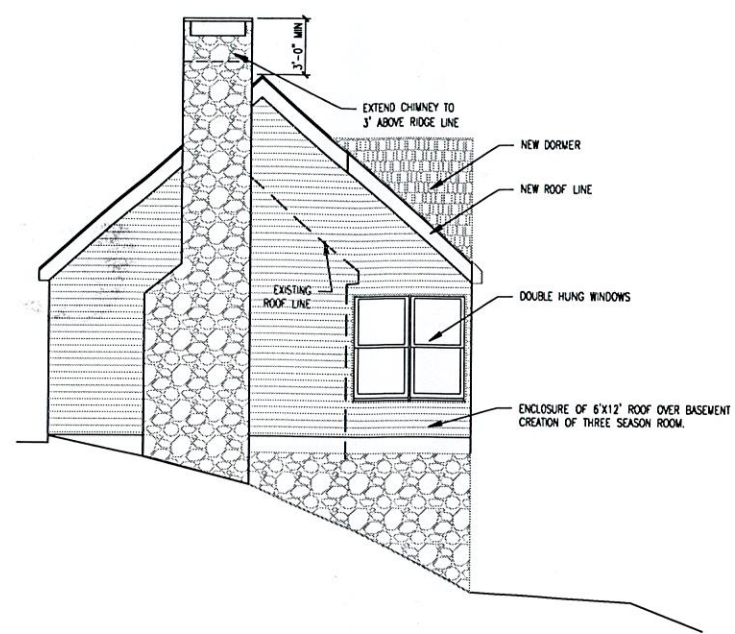
Sydney A. Rapp Land Surveying, P.C.
30 Landcrest Drive, Danbury, Connecticut 06811
1-B Grand Street, Bethel, Connecticut 06801
email: maps@sarlandsurveying.com - Phone (203)744-6261

ZACHARY S. RAPP LICENSE NO. 70420
NOT VALID WITHOUT A CIVIL SIGNATURE AND EMBOSSED SEAL

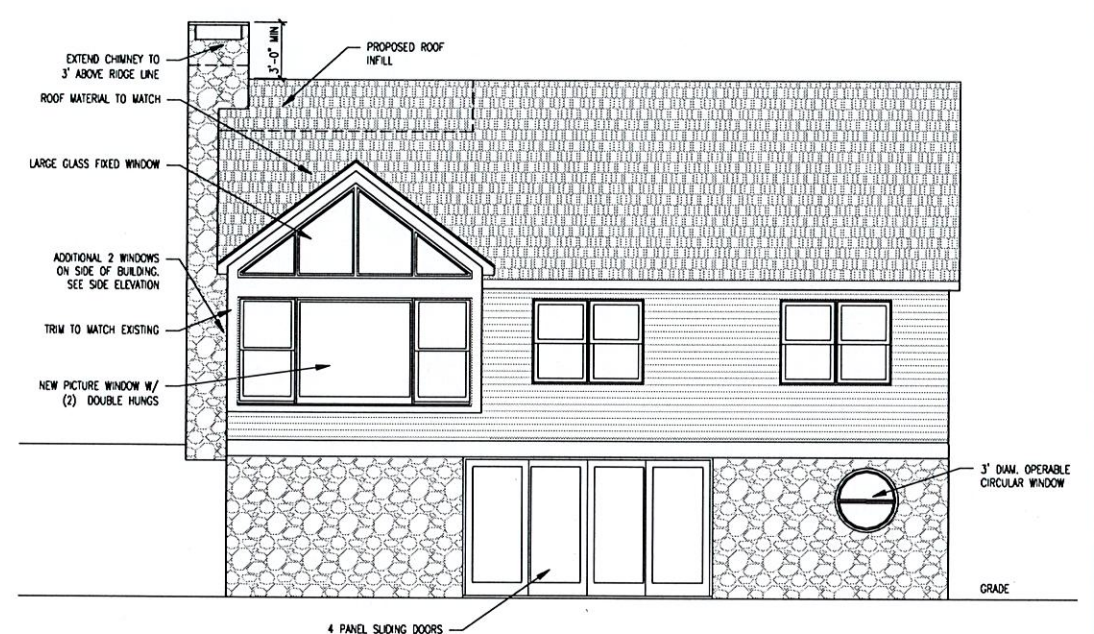
SU 80-176



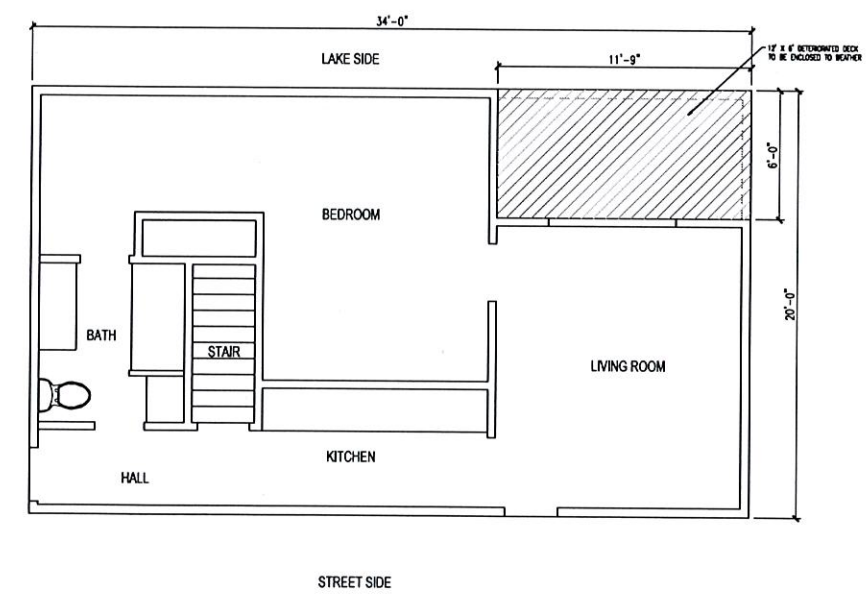
1 STREET ELEVATION
SCALE: 1/4"=1'-0"



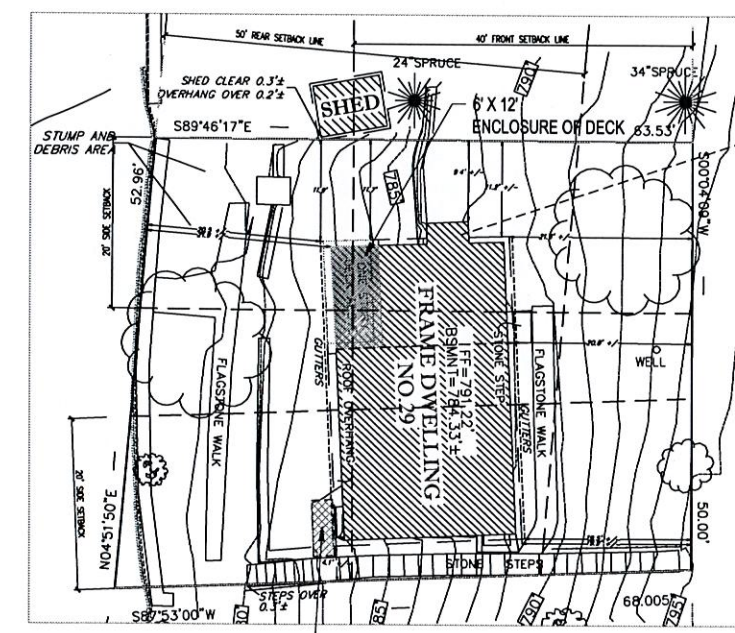
2 PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'-0"



3 PROPOSED LAKE ELEVATION
SCALE: 1/4"=1'-0"



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

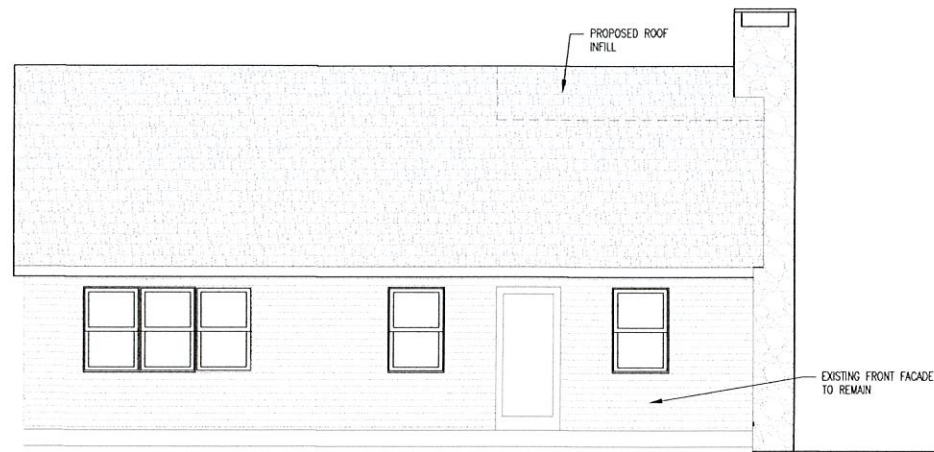


5 SITE PLAN
SCALE: 1" = 10'-0"
SITE PLAN EXCERPTED FROM SURVEY PROVIDED BY:
SYDNEY RAPP, SURVEYOR
30 LINDENCREST DR.
DANBURY, CT 06811

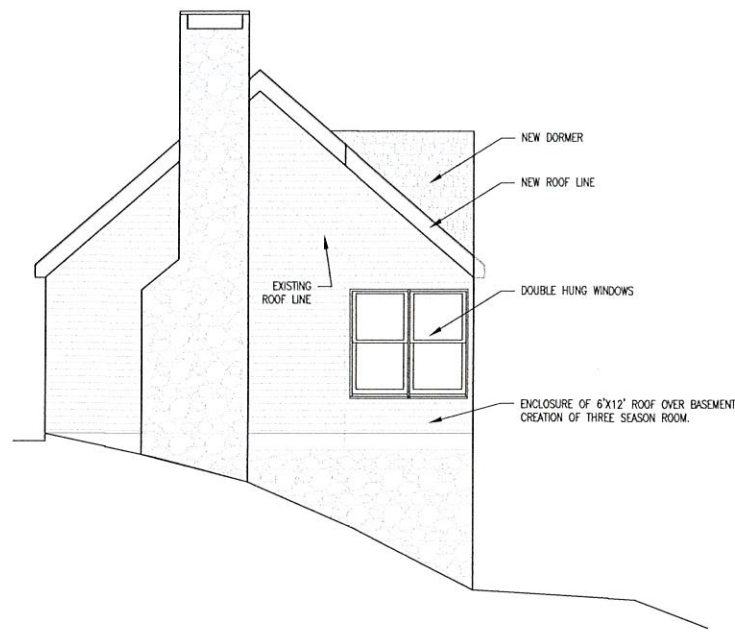
THESE DRAWINGS ARE THE SOLE PROPERTY OF P.W. SCOTT ENGINEERING AND ARCHITECTS, P.C. AND WILL NOT BE REPRODUCED BY ANY MEANS AND BE GIVEN TO ANY OTHER TRADES/PERSONS WITHOUT THE EXPRESS PERMISSION OF P.W. SCOTT ENGINEERING AND ARCHITECTS, P.C.

NOTE: DO NOT SCALE DRAWINGS DIMENSIONS SUPERCEDE SCALE

P. W. SCOTT ENGINEERING & ARCHITECTURE, P.C. 3871 ROUTE 6 BREWSTER, NY 10509 845-278-2110	REV. NO.	DATE	NATURE OF REVISIONS	Dep. Title	PLAN, SITE PLAN, ELEVATIONS		Dep. No. A1		
				Project Title	29 BALL POND ROAD EAST, NEW FAIRFIELD, CT				
				Proj. No.	21-105			Drawn by	M.A.
				Date	2/23/22			Scale	AS NOTED



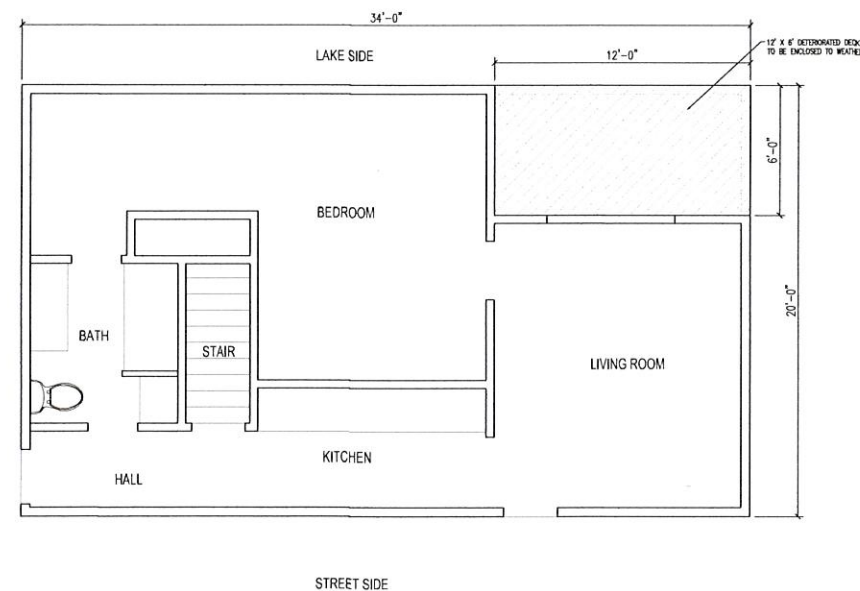
1 STREET ELEVATION
SCALE: 1/4"=1'-0"



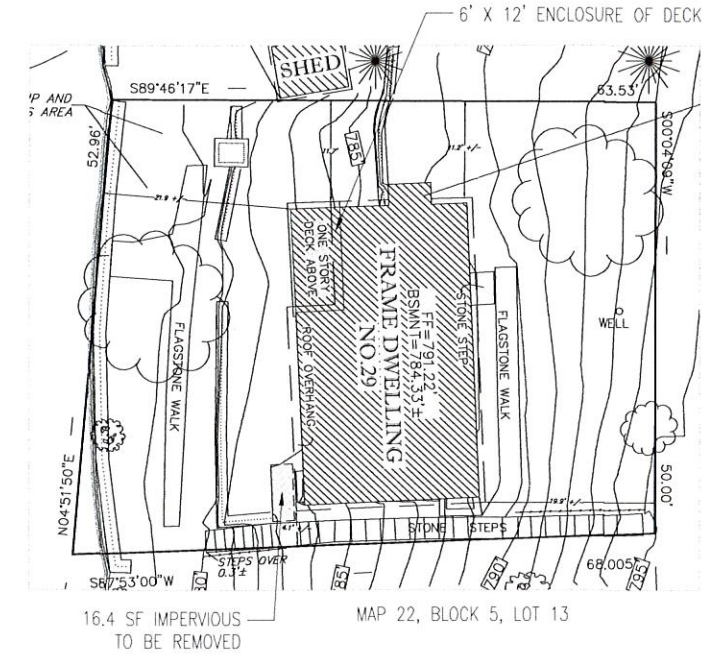
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3 PROPOSED LAKE ELEVATION
SCALE: 1/4"=1'-0"



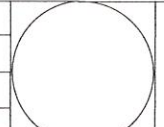
4 SCHEMATIC FLOOR PLAN
SCALE: 1/4"=1'-0"

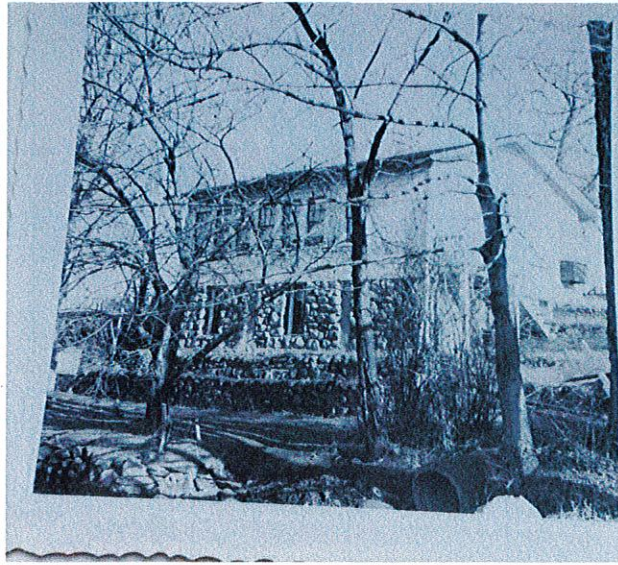


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SITE PLAN EXCERPTED FROM SURVEY PROVIDED BY:
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30 LINDENCREST DR.
DANBURY, CT 06811

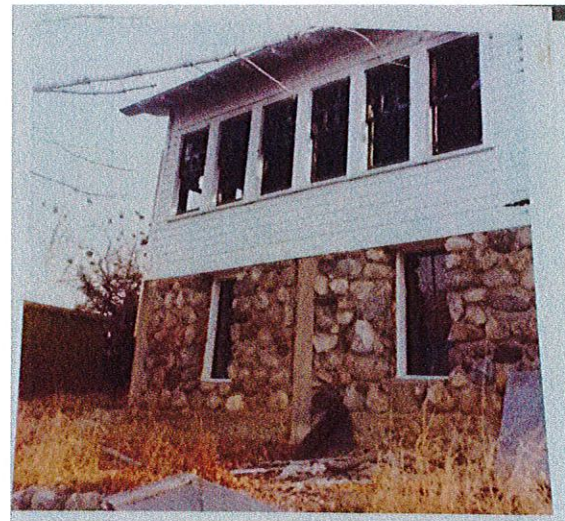
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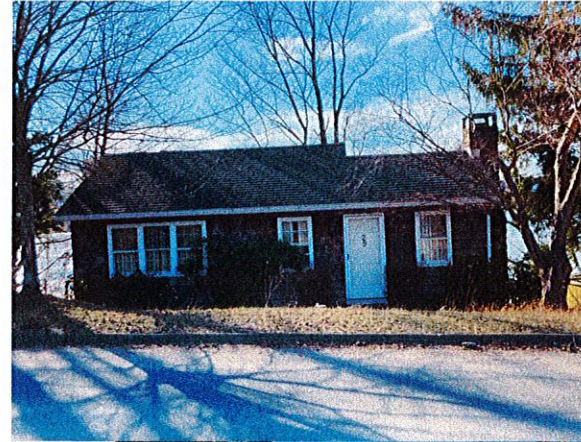
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				Project Title	29 BALL POND ROAD, NEW FAIRFIELD, CT				
				Proj. No.	21-105			Drawn by	M.A.
				Date	2/23/22			Scale	AS NOTED



Pond facing side of cottage, 1960



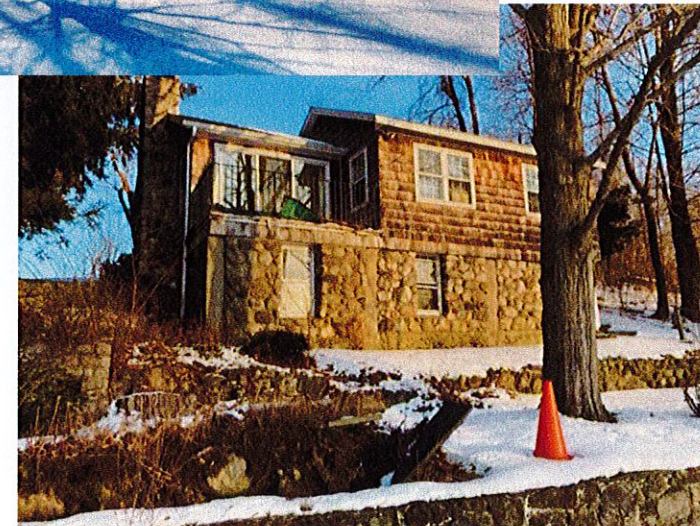
Pond view, circa 1978 following house fire



View from Ball Pond Rd East, 2021
(Cottage rebuilt, 1980)



Pond view with failed terrace, 2021



Pond view, 2022



Damaged terrace from side of cottage, 2021



Damaged ceiling/basement due to terrace failure



Damaged terrace from inside cottage



Enlarged pond view, 2021- damaged/rotted terrace