

APPLICATION OR APEAL#: 20-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: PATRICIA KREUTER
Mailing Address: 38 Lillian Avenue New Fairfield
CT 06812 Phone#: 845-392-4168
Email: Patriciakreuter@yahoo.com

2) Premises located at: 10 Merlin Avenue on the (N S E W) side of the street
at approx. 1400 feet (N S E W) from Fairfield Drive (nearest intersecting road).

3) Property Owner Name: PATRICIA KREUTER

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 34 Block No.: 4 Lot No.: 21 + 22.1

5) Zone in which property is located: R-44 Area of Lot: 15,000 sq ft

6) Dimensions of Lot: Frontage: 150.00' Average Depth: 100.00'

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: a new 'x' ' Single family dwelling, to do a 2 br, 1 ba, with loft space house at 10 Merlin Avenue as per plan,

Hardship: Pre-existing non-compliant, narrow, shallow lot, with significant slope

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

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

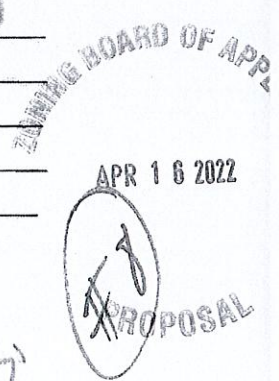
Zoning Regulations (sections): See attached Non-Compliance Letter

Setbacks Requested: Front to: 40' to 33.9' Rear to: 50' to 38.7'
Side to: 20' to 14.1' Side to: 20' to 89.9'

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: 3/24/2022



**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: March 29, 2022

PROPERTY OWNER: Patricia Kreuter

PROPERTY ADDRESS: 10 Merlin Ave.

APPLICANT/AGENT: Patricia Kreuter

MAILING ADDRESS: 38 Lillian Ave.

ZONING DISTRICT: R-44 MAP: 34 BLOCK: 4 LOT: 21+22.1

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)

3.2.7-Maximum Building Area

3.2.8-Maximum Impervious Surface

3.2.11-Minimum Lot Dimensions

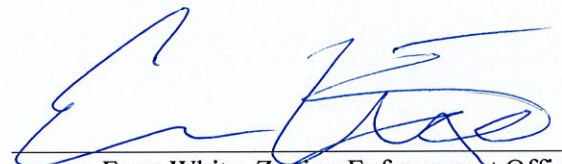
7.1.12-Improved Lots Not In a Validated or Approved Subdivision

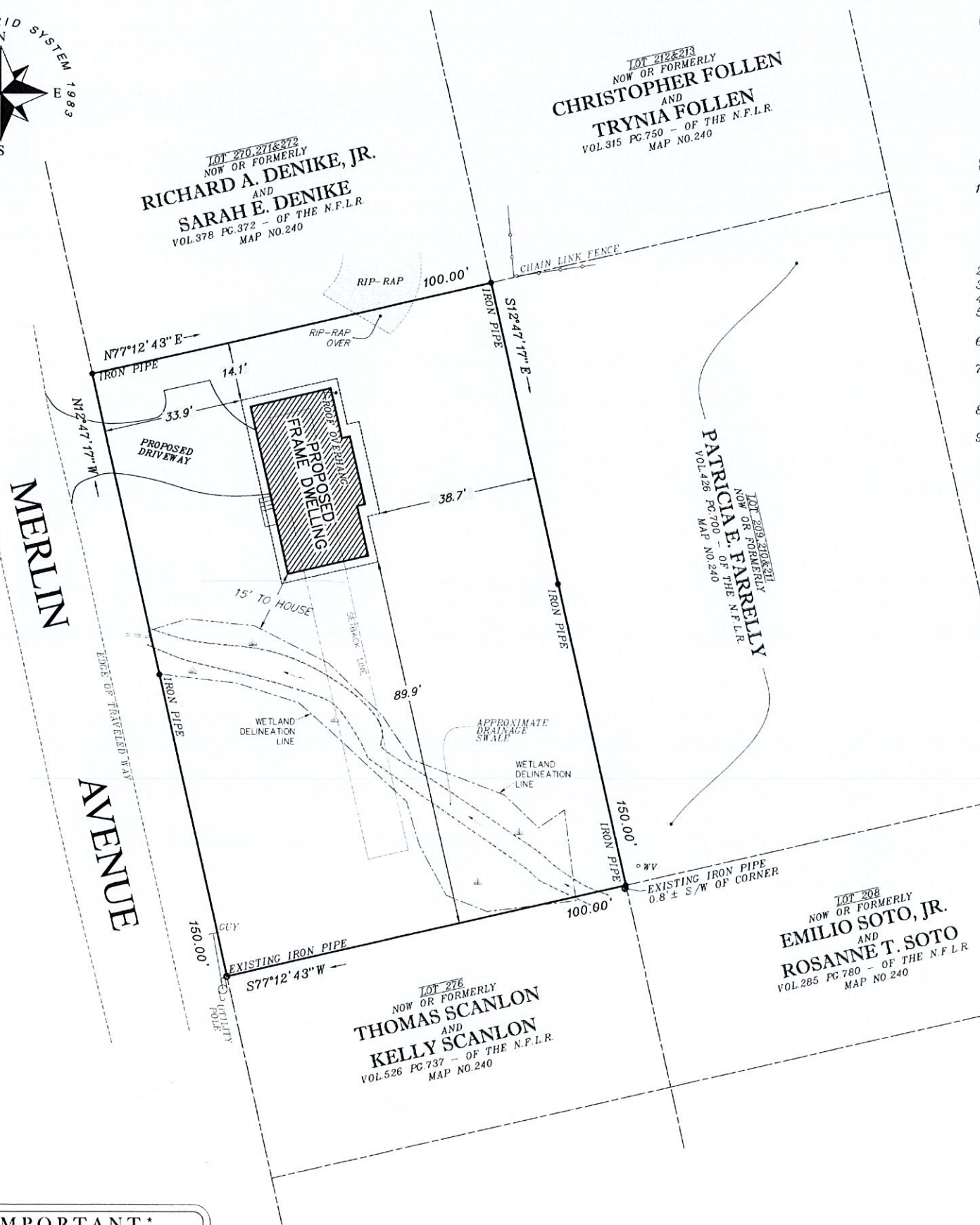
7.2.3-Nonconforming Use of Building or Structure; Nonconforming Buildings or Structures (A+B+E)

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



OWNERSHIP NOTES:

- OWNERS OF RECORD:
TAX ASSESSOR MAP 34-BLOCK 4-LOT 21 + 22.1
TRAORE MANAGEMENT, LLC
VOL.533 PG.397 OF THE N.F.L.R.
VOL.552 PG.493 OF THE N.F.L.R.

SURVEY NOTES:

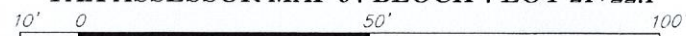
- THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019. IT IS AN IMPROVEMENT LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
- MONUMENTATION FOUND OR SET DEPICTED HEREON.
- REFERENCE MADE TO MAP NOS. 240, 1808 AND 3631 OF THE NEW FAIRFIELD LAND RECORDS.
- FIELD SURVEY CONDUCTED NOVEMBER 7, 2018.
- REFERENCE MADE TO IMPROVEMENT LOCATION SURVEYS PREPARED BY THIS OFFICE DATED NOVEMBER 7, 2018.
- PROPERTY/BOUNDARY LINES DEPICTED HEREON ESTABLISHED FROM MAP NO.3631 OF THE NEW FAIRFIELD LAND RECORDS.
- REFERENCE MADE TO PLAN TITLED "SUBSURFACE SEWAGE DISPOSAL SYSTEM PLAN" DRAWING NUMBER 19056-R5 DATED 3-17-20 REVISED THROUGH 1-25-22 PREPARED BY R.J. GALLAGHER & ASSOCIATES.
- WETLAND DELINEATION DEPICTED HEREON FIELD LOCATED BY THIS OFFICE NOVEMBER 17, 2020. NO REPORT PROVIDED TO THIS OFFICE.
- FIELD SURVEY CONDUCTED NOVEMBER 17, 2020. NO FIELD INSPECTION OF PREMISES CONDUCTED FOR MARCH 16, 2022 MAPPING.

ZONING DATA - R-44 (SEC.3.0.2.A)		
GENERAL PROVISIONS	PERMITTED	PROPOSED
a. MINIMUM LOT AREA	43,560 Sq. Ft.	15,000 Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0'	125.00'
c. MINIMUM FRONT YARD	40.0'	33.9' variance required
d. MINIMUM SIDE YARD	20.0'	14.1' variance required
e. MINIMUM REAR YARD	50.0'	38.7' variance required
f. MAXIMUM HEIGHT	35.0'	<35'
g. MAXIMUM BUILDING AREA	20% (3,000 Sq.Ft.)	5.8% (873 Sq.Ft.)
h. MAXIMUM IMPERVIOUS SURFACES	25% (3,750 Sq.Ft.)	12.4% (1,857 Sq.Ft.)

EXISTING / PROPOSED

IMPROVEMENT LOCATION SURVEY

PREPARED FOR
PATRICIA KREUTER
DEPICTING PROPERTY SITUATED AT
10 MERLIN AVENUE
NEW FAIRFIELD, CONNECTICUT
TAX ASSESSOR MAP 34 BLOCK 4 LOT 21+22.1



*** 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

SCALE: 1"=20'
AREA: 15,000 Sq. Ft.(t)
DRAWN BY: Z.S.R./D.P.B.

ZONE: R-44
DATE: MAR. 16, 2022
DRAWING NAME: 22103-ILS

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

TO THE BEST OF MY KNOWLEDGE AND BELIEF
THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

ZACHARY C. RAPP
LICENSE NO.70420
NOT VALID WITHOUT SIGNATURE AND EMBOSSED SEAL

GENERAL NOTES

- SWALE AND/OR GRADE SURFACE WATER, AND PIPE ROOF AND FOOTING DRAINS AWAY FROM THE SEPTIC SYSTEM AREA DOUBLE PIPE CURTAIN DRAIN IF ROOF OR FOOTING DRAINS ARE IN THE SAME TRENCH.
- THE SEPTIC TANK AND LEACHING SYSTEM MAY BE REORIENTED IN THE FIELD TO ADJUST TO SITE CONDITIONS WITH THE APPROVAL OF THE ENGINEER AND THE HEALTH DEPARTMENT. PRIOR TO THE START OF CONSTRUCTION OF THE DWELLING OR INSTALLATION OF THE SEPTIC SYSTEM, THE PROPERTY LINES SHALL BE CLEARLY LOCATED AND STAKED BY A SURVEYOR.
- THE LEACHING AREA SHALL BE LOCATED BY FIELD STAKES OR MARKERS, PRIOR TO ANY SITE WORK, IN ORDER TO CLEARLY IDENTIFY THE LEACHING AREA AND TO PROTECT IT FROM ALL CONSTRUCTION TRAFFIC & POTENTIAL DAMAGE.
- THE INSTALLER SHALL CONTACT THE ENGINEER & DEPARTMENT OF HEALTH AT LEAST 24-HOURS PRIOR TO THE START OF THE SCARIFICATION PROCESS FOR THE LEACHING AREA OR THE INSTALLATION WILL NOT BE APPROVED.
- A SCARIFICATION BY THE HEALTH DEPARTMENT SANITARIAN, DESIGN ENGINEER, AND THE LICENSED INSTALLER OF RECORD SHALL BE CONDUCTED PRIOR TO THE PLACEMENT OF ANY "SELECT MATERIAL" OR FILL IN THE PRIMARY LEACHING AREA. IF THERE ARE ANY PROBLEMS NOTED DURING INSPECTION (BY THE SANITARIAN, ENGINEER, OR INSTALLER) FURTHER TESTING AND/OR PERMIT REVOCATING MAY TAKE PLACE IN ORDER TO CONFIRM CONFORMANCE WITH THE PROPOSED DESIGN CRITERIA AND PROTECTION OF THE SSSS. THE SYSTEM SHALL BE BACKFILLED WITH TWO (2) WORKING DAYS FOLLOWING APPROVAL.
- THE HEALTH CODE OF THE STATE OF CONNECTICUT IS A PART OF THIS DESIGN, NOTHING HEREON SHALL BE INTERPRETED AS INTENDING TO REDUCE THE MINIMUM REQUIREMENTS OR DELETING ANY PART OF SAID CODE.
- PRIOR TO EXCAVATION FOR ANY REASON, "CALL BEFORE YOU DIG" SHALL BE NOTIFIED. (IF ANY UTILITY INTERFERENCE IS ENCOUNTERED, THE ENGINEER SHALL BE NOTIFIED.)
- THERE IS NO OBVIOUS INTERFERENCE REGARDING SEPARATION DISTANCES BETWEEN EXISTING AND PROPOSED SEPTIC SYSTEMS AND/OR WELLS TO THE BEST OF OUR KNOWLEDGE.
- AS-BUILT PLANS ARE TO BE SUBMITTED BY THE ENGINEER TO THE HEALTH DEPARTMENT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR CERTIFICATE TO DISCHARGE.
- THE SUBSURFACE SEWAGE DISPOSAL SYSTEM DESIGN CONFORMS WITH ACCEPTED ENGINEERING DESIGN PRINCIPLES; IT SHOULD NOT BE INTERPRETED AS A GUARANTEE AGAINST FAILURE DUE TO UNFORESEEN FUTURE CIRCUMSTANCES SUCH AS: IMPROPER INSTALLATION OF THE SYSTEM, IMPROPER SITE GRADING, EXCESSIVE WATER USAGE, LACK OF MAINTENANCE OR CHANGES IN SOIL OR GROUND WATER CHARACTERISTICS, BEYOND THE SCOPE OF NORMAL SITE INSPECTIONS OR SOIL TESTING.
- THIS PLAN IS INTENDED TO DEPICT THE PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM AND EROSION & SEDIMENTATION CONTROL MEASURES ONLY. ADDITIONAL INFORMATION ON THIS PLAN IS THE RESULT OF SPECIFIC REQUEST BY THE CLIENT AND IS NOT INTENDED TO BE A DESIGN OF THE SAME.
- THE SEPTIC TANK SHALL BE INSPECTED AT INTERVALS OF NO MORE THAN EVERY TWO YEARS TO DETERMINE A MAINTENANCE SCHEDULE.
- THE DEPTH OF FILL SHOWN ON THE PROFILE AND IN THE DESIGN CRITERIA IS BASED UPON THE PROFILE SECTION LINE ONLY. MORE OR LESS FILL MAY BE REQUIRED IN OTHER AREAS OF THE SEPTIC SYSTEM.
- REFER TO PROFILE FOR FINISHED GRADE REQUIREMENTS.
- THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL PREPARED BY THE CONNECTICUT COUNTY AND WATER CONSERVATION DEPARTMENT AND AMENDED SHALL BE FOLLOWED. HAY BALES AND/OR SILT FENCE SHALL BE INSTALLED PRIOR TO FILLING OR CONSTRUCTION OF THE DWELLING, DRIVEWAY, WELL OR SEPTIC SYSTEM AS REQUIRED.
- THE NEED TO INSTALL A CURTAIN DRAIN SHALL BE FIELD DETERMINED PRIOR TO THE INSTALLATION OF THE SEPTIC SYSTEM (REFER TO NOTE #5)
- FUEL OIL TANKS MUST BE INSTALLED IN DWELLING BASEMENT
- ALL SELECT FILL MUST BE PLACED ON THE PERIMETER OF THE SEPTIC SYSTEM AREA AND PUSHED TOWARDS THE MIDDLE TO PREVENT DRIVING/COMPACTING OF THE ORIGINAL SOIL. ALL FILL SHALL BE PERCOLATION TESTED BY THE ENGINEER PRIOR TO INSTALLATION OF THE SEPTIC SYSTEM.
- CAREFULLY REMOVE THE ORGANIC (TOPSOIL) FROM THE SEPTIC SYSTEM PRIMARY AREA WITH AN EXCAVATOR. DO NOT DISTURB OR COMPACT THE SEPTIC SYSTEM AREA IN ANY MANNER OR THIS PLAN SHALL BE DEEMED VOID. THE SEPTIC SYSTEM AREA SHALL BE STAKED PRIOR TO FILLING.
- PROPERTY LINES, BEARINGS AND DISTANCES TAKEN FROM A-2 SURVEY PREPARED BY SAR LAND SURVEY DATED 11/20/20
- EXISTING GRADE CONTOURS TAKEN FROM A-2 SURVEY PREPARED BY SAR LAND SURVEY DATED 11/20/20
- A SEWAGE PUMPING STATION WILL BE REQUIRED IF THE BUILDING FIRST FLOOR CANNOT BE CONSTRUCTED HIGHER THAN THE LEACHING AREA.
- THE LEACHING SYSTEM AREA MUST BE FILLED WITH SELECT COARSE SAND SEPTIC FILL AND RETESTED PRIOR TO THE INSTALLATION OF THE SEPTIC SYSTEM.
- A BENCH MARK IS TO BE SET BY THE PROJECT SURVEYOR PRIOR TO THE START OF CONSTRUCTION.
- THE RESPONSIBILITY FOR THE PREPARATION OF A LEACHING AREA UTILIZING "SELECT MATERIAL" IS THAT OF THE LEACHING AREA INSTALLER. THE INSTALLER TAKES THE NECESSARY STEPS TO PROTECT THE UNDERLYING NATURALLY OCCURRING SOILS FROM OVER COMPACTATION AND SILTATION ONCE EXPOSED.

SPECIFICATIONS

- THE SEPTIC TANK SHALL BE 1,000 GALLON PRECAST CONCRETE TYPE ST-1, 1,000 - 2 AS MANUFACTURED BY EASTERN PRECAST CO. INC. OR APPROVED EQUAL. TANK SHALL BE REINFORCED FOR H-20 WHEEL LOADING IF LOCATED UNDER TRAFFIC AREAS. TANK SHALL HAVE PRECAST 2/3-1/3 BAFFLE.
- DISTRIBUTION PIPE SHALL BE 3" DIA. PVC ASTM D2729 OR 4" DIA. PVC SDR-35 SOLID WALL TIGHT JOINT PIPE OR APPROVED EQUAL.
- PIPE FROM DWELLING SHALL BE 4" ASTM D1785 PVC SCHEDULE 40, X.H.C.I. C-900 PVC W/ RUBBER GASKETS OR APPROVED EQUAL. SURFACE CLEAN-OUTS OR MANHOLES SHALL BE PROVIDED FOR EACH 75' OF LENGTH. PIPE SLOPE SHALL BE 1/4" PER FOOT MIN.
- SELECT SEPTIC FILL SHALL CONFORM TO CONNECTICUT D.O.T. SPECIFICATIONS M 02.08-IB AND PLACED IN 8" TO 12" LITS WITH COMPACTION EQUAL TO PROCTER DENSITY OF 90% TO 95% FILL SHALL PERC AT A RATE EQUAL TO OR FASTER THAN THE ORIGINAL SOIL.
- DISTRIBUTION BOXES SHALL BE DB-4 (OR STB-6 W/BAFFLE FOR PUMPED SYSTEM) PRECAST CONCRETE AS MANUFACTURED BY EASTERN PRECAST CO., INC. OR APPROVED EQUAL. (PLASTIC DISTRIBUTION BOXES ARE AN ACCEPTABLE ALTERNATE.)
- FORCE MAIN SHALL BE 2" DIA. PVC TIGHT JOINT PIPE C-900, ASTM 1785, ASTM D2241 OR APPROVED EQUAL. (REQUIRED FOR PUMPING STATION DESIGN ONLY)
- FILTER FABRIC SHALL BE NON-WOVEN FABRIC MEETING A MINIMUM AVERAGE ROLL VALUE OF 1.50Z/YD AND PERMITTIVITY OF 1.0 SEC AND A TRAPEZOID TEAR OF 15 LBS.
- "SELECT FILL MATERIAL" AND "SELECT BACKFILL MATERIAL" PLACED WITHIN AND ADJACENT TO PROPOSED LEACHING AREAS SHALL BE COMPOSED OF CLEAN SAND AND GRAVEL, FREE FROM ORGANIC MATTER AND FOREIGN SUBSTANCES. THE FILL MATERIAL SHALL MEET THE FOLLOWING REQUIREMENTS UNLESS OTHERWISE APPROVED BY A PROFESSIONAL ENGINEER FOR USE WITHIN THE LEACHING AREA:
 - THE FILL SHALL NOT CONTAIN ANY MATERIAL LARGER THAN (3) INCHES.
 - UP TO 45% OF THE DRY WEIGHT OF THE REPRESENTATIVE SAMPLE MAY BE RETAINED ON THE #4 SIEVE (THIS IS THE GRAVEL PORTION OF THE SAMPLE).
 - THE MATERIAL THAT PASSES THE #4 SIEVE IS THEN REDESIGNED AND THE SIEVE ANALYSIS STARTED.
 - THE REMAINING SAMPLE SHALL MEET THE FOLLOWING GRADATION CRITERIA:

PERCENT PASSING		
SIEVE NO.	WET SIEVE	DRY SIEVE
#4	100%	100%
#10	70%-100%	70%-100%
#40	10%-50% (SEE NOTE BELOW)	10%-75%
#200	0%-20%	0%-5%
#200	0%-5%	0%-2.5%

NOTE: PERCENT PASSING THE #40 SIEVE CAN BE INCREASED TO NO GREATER THAN 75% IF THE PERCENT PASSING THE #100 SIEVE DOES NOT EXCEED 10% AND THE #200 SIEVE DOES DOES NOT EXCEED 5%.

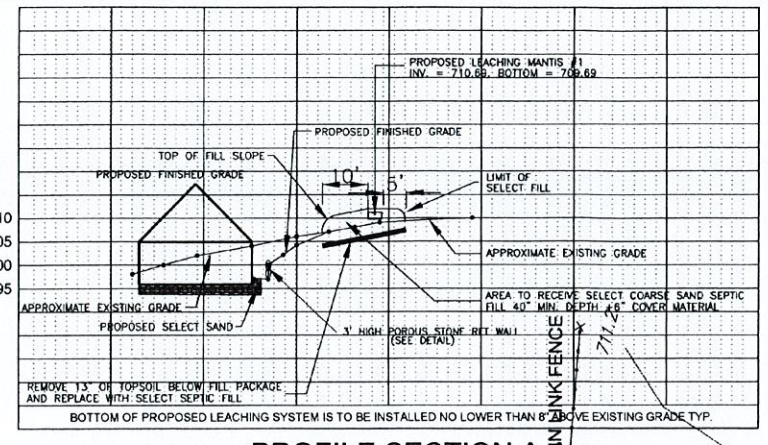
DEEP TEST DATA

DEEP TEST	DATE	D.T. #	DEPTH	SOIL TYPE
D.T. #1	3/17/2020	14"	14"	TOP SOIL
D.T. #2	3/17/2020	14"	22"	SLIGHTLY OXIDIZED SANDY LOAM
D.T. #3	3/17/2020	14"	88"	HOMOGENEOUS SILTY SAND
D.T. #4	3/17/2020	14"	14"	TOP SOIL
D.T. #5	3/17/2020	14"	19"	SLIGHTLY OXIDIZED SANDY LOAM
D.T. #6	3/17/2020	14"	78"	HOMOGENEOUS SILTY SAND

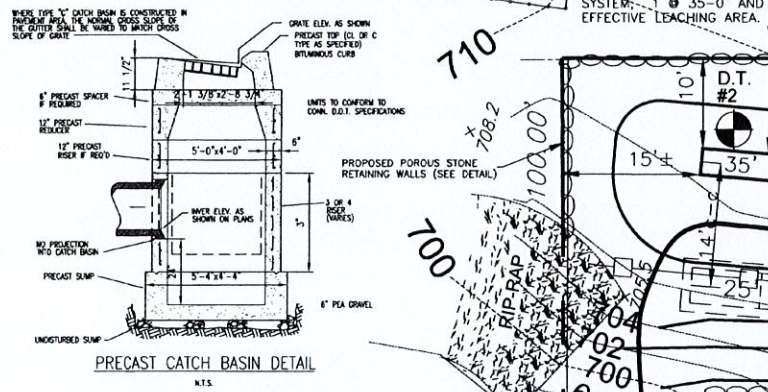
PERCOLATION TEST DATA

PERC #	DATE	DEPTH	PERC RATE
0	4/7/2020	20" DEEP	5.5
10	4/7/2020	20"	6.625
20	4/7/2020	20"	7.50
30	4/7/2020	20"	8.25
40	4/7/2020	20"	9.00
50	4/7/2020	20"	9.625
60	4/7/2020	20"	10.125

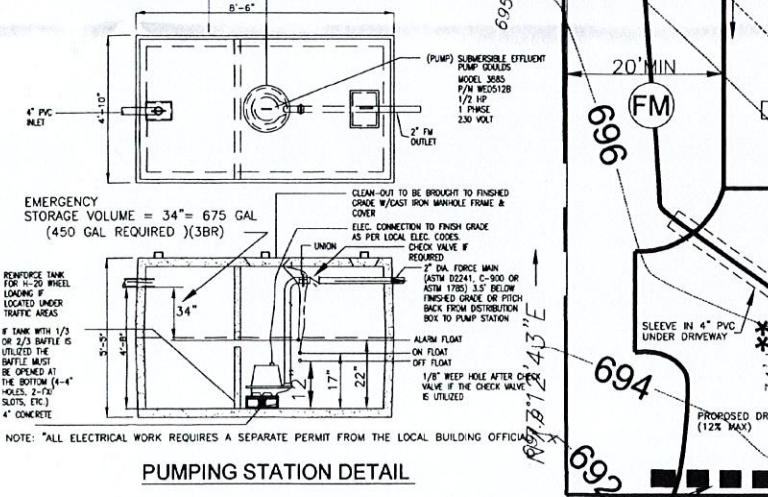
1" IN 20 MIN



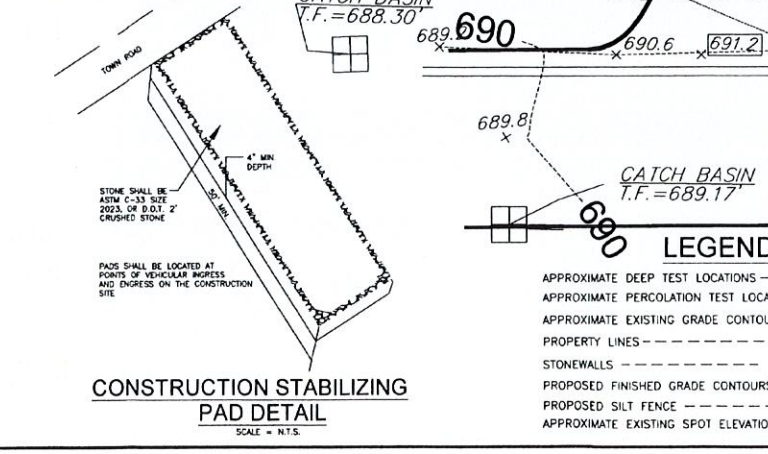
PROFILE SECTION A-A
SCALE: 1"=20' HORIZONTAL AND VERTICAL



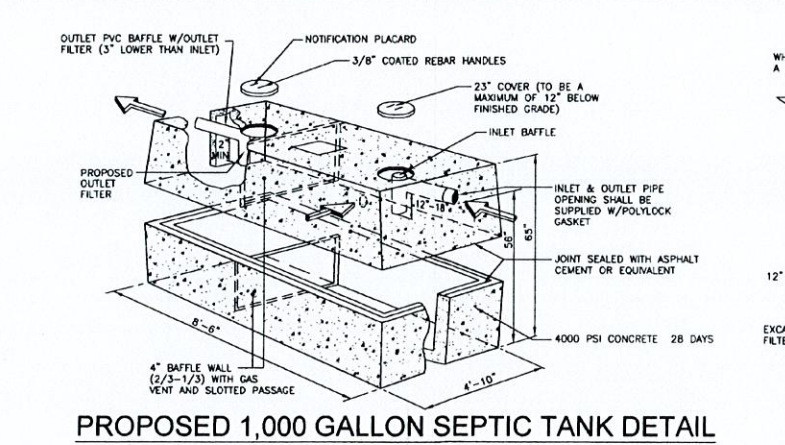
PRECAST CATCH BASIN DETAIL
SCALE: N.T.S.



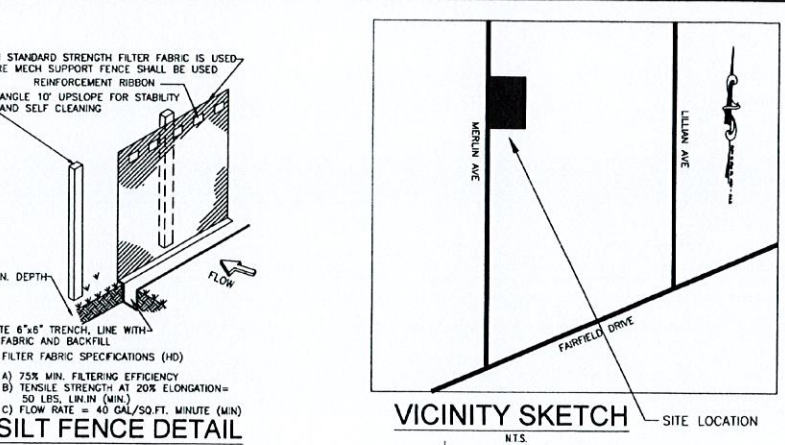
PUMPING STATION DETAIL
SCALE: N.T.S.



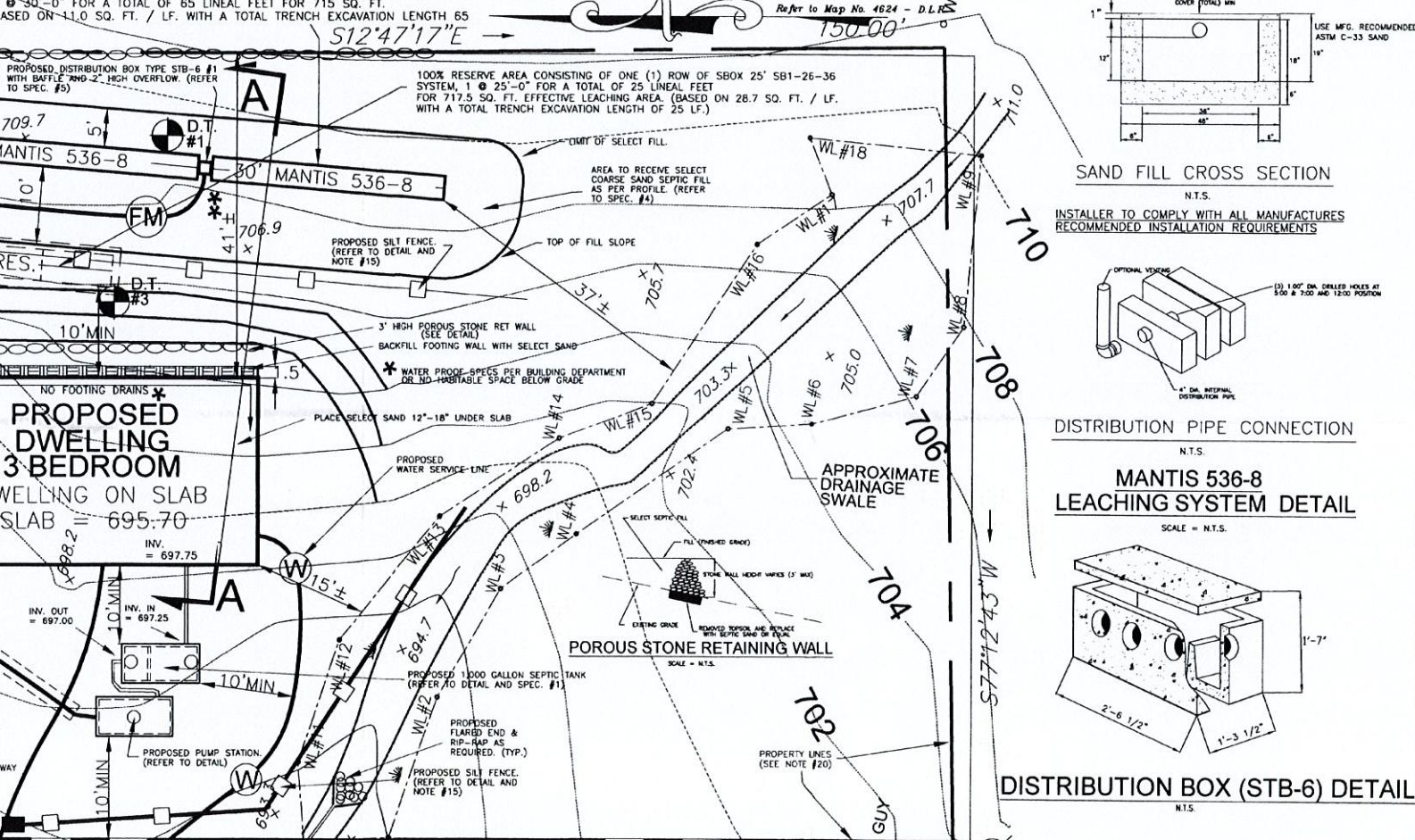
CONSTRUCTION STABILIZING PAD DETAIL
SCALE: N.T.S.



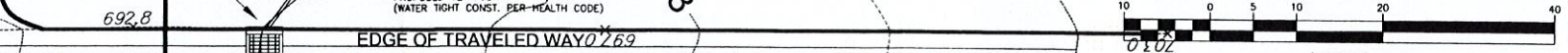
PROPOSED 1,000 GALLON SEPTIC TANK DETAIL
SCALE: N.T.S.



VICINITY SKETCH - SITE LOCATION
SCALE: N.T.S.



PROPOSED DWELLING 3-BEDROOM DWELLING ON SLAB SLAB = 695.70
SCALE: N.T.S.



DISTRIBUTION PIPE CONNECTION
SCALE: N.T.S.



MANTIS 536-8 LEACHING SYSTEM DETAIL
SCALE: N.T.S.



DISTRIBUTION BOX (STB-6) DETAIL
SCALE: N.T.S.



LEGEND



3 BEDROOM DESIGN CRITERIA

R.J. GALLAGHER JR. & ASSOCIATES
CIVIL ENGINEERS
68704 PLAIN ROAD, SUITE #2 DANBURY, CONNECTICUT (203) 798-9640
PROJECT: 8-10 MERLIN AVE NEW FAIRFIELD, CONNECTICUT prepared for P. KREUTER

N°	REV SIGN	DATE	BY	TITLE
5	REV PER PREPARED FOR	1/25/2022	TK	
4	REV PER HD REVIEW	1/21/2022	R.J.G.	
3	REV PER HD REVIEW	12/28/2020	TK	
2	REV PER NEW TOPO	11/23/2020	TK	
1	REV PER HD REVIEW	7/8/2020	TK	

SCALE: 1"=10' OR AS NOTED
DRAWING N°: 19056-R5