

APPLICATION OR APEAL#: 24-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Michaela Winter & David Polos
Mailing Address: 3 Twin Ponds Ct. New Fairfield, CT 06812
Phone#: 917-703-4959
Email: winter.mickey@gmail.com

2) Premises located at: 3 Twin Ponds Ct. New Fairfield, CT 06812 on the (N)S side of the street
at approx. 510' feet (N)S from Warwick Rd. (nearest intersecting road).

3) Property Owner Name: Michaela Winter & David Polos

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 13 Block No.: 3 Lot No.: 20.2

5) Zone in which property is located: R88 Area of Lot: 2.0589

6) Dimensions of Lot: Frontage: 120' on road Average Depth: ~300'

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? No

If so, give dates and application numbers: _____

*10) Proposal for which variance is requested: Swimming Pool permit application #SW-21-21
Continued explanation attached...

*Hardship: Due to the sloped grade and shallowness of the land on the North, South and West of the property, the East side is the most suitable for an in-ground pool. Continued explanation

11) Date of Zoning Commission Denial: April 26, 2022 attached...

12) Variance(s) Requested: USE DIMENSIONAL
Zoning Regulations (sections): See attached Non-Compliance Letter

Setbacks Requested: Front to: N/A Rear to: N/A
Side to: N/A Side to: N/A

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

14) If this Application relate 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: N/A

SIGNATURE OF OWNER OR AGENT: Michaela Winter DATE: 4/19/22

#4

received
4-19-22

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: April 26, 2022

PROPERTY OWNER: Michaella Winter & David Polos

PROPERTY ADDRESS: 3 Twin Ponds

APPLICANT/AGENT: Michaella Winter & David Polos

MAILING ADDRESS: 3 Twin Ponds

ZONING DISTRICT: R-88 **MAP:** 13 **BLOCK:** 3 **LOT:** 20.2

Please be advised that the applicant would like to (See Noncompliance).


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

Sections:
3.0.6-Swimming Pools (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.

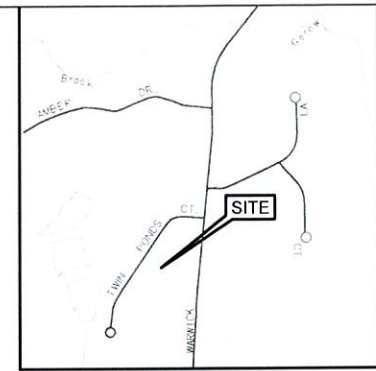
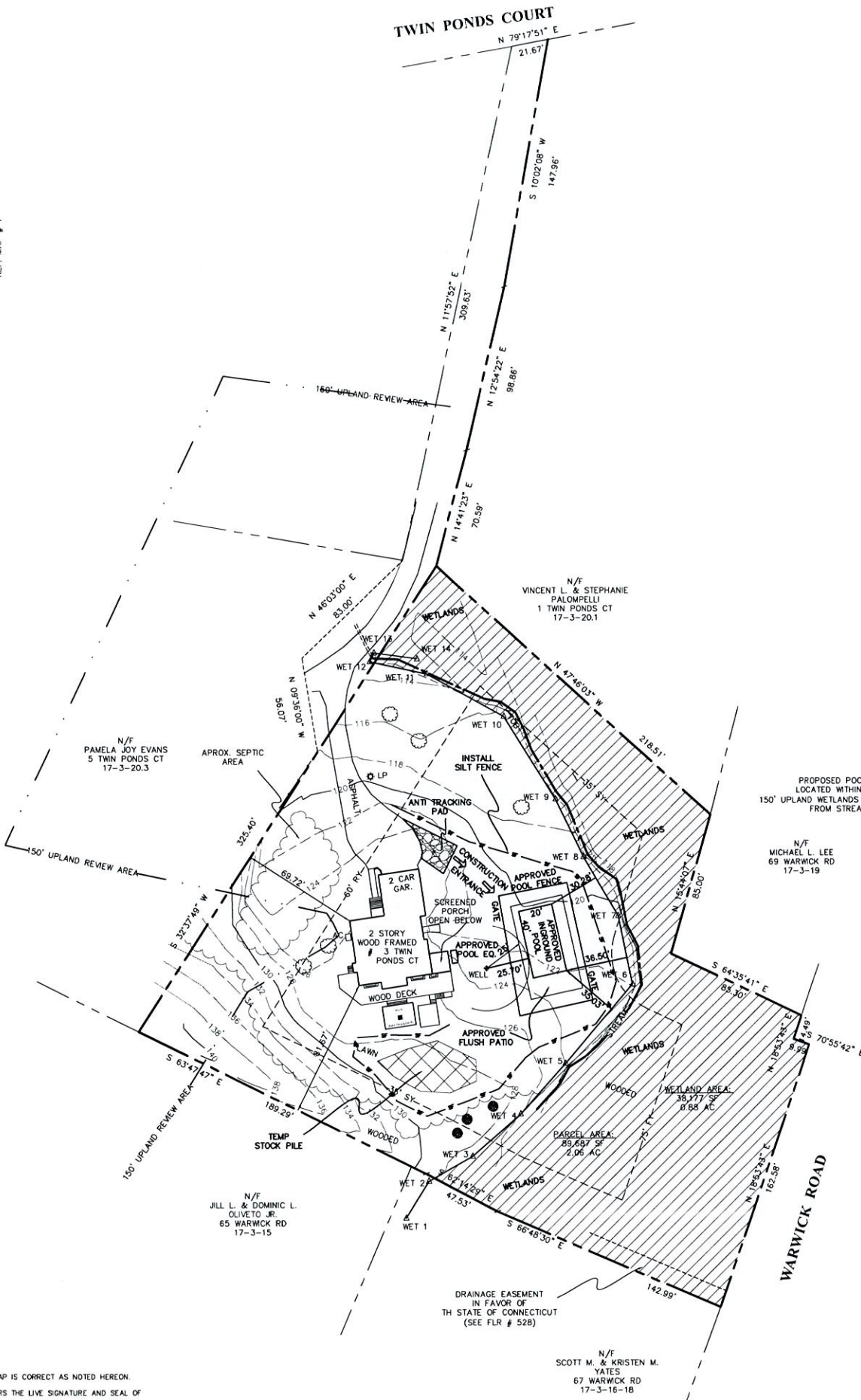
IN COMPLEX MATTERS, THE OWNER/APPLICANT MAY WISH TO SECURE THE SERVICES OF AN ATTORNEY.



Evan White, Zoning Enforcement Officer
Town of New Fairfield

REF. MAP # 1

TWIN PONDS COURT



LOCATION MAP
SCALE: 1"=800'

- NOTES:
1. THIS SURVEY 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 ADMENDED.
 2. THE TYPE OF SURVEY PERFORMED IS LIMITED PROPERTY/BOUNDARY, ZONING LOCATION SURVEY.
 3. THE BOUNDARY DETERMINATION CATEGORY IS RESURVEY OF REF. MAP # 1 BELOW.
 4. THIS SURVEY CONFORMS TO HORIZONTAL ACCURACY CLASS A-2.
 5. THIS MAP WAS PREPARED FOR THE PURPOSE OF ZONING COMPLIANCE DETERMINATION.
 6. BEARINGS ON THIS MAP ARE BASED ON REFERENCE MAP # 1.
 7. THE UNDERGROUND UTILITIES SHOWN ON THIS MAP HAVE BEEN LOCATED BOTH FROM FIELD SURVEY INFORMATION AND FROM EXISTING DRAWINGS NOTED HEREON. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES ON THIS MAP, EITHER CURRENT OR ABANDONED. ALTHOUGH EVERY ATTEMPT WAS MADE TO ACCURATELY DEPICT ALL UNDERGROUND UTILITIES, THERE IS NO GUARANTEE TO THE EXACT LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP. CBYD/DIG SAFE, TO BE NOTIFIED PRIOR TO ANY EXCAVATION.
 8. THIS PARCEL IS DEPICTED AS LOT 20.2 BLOCK 3 ON ASSESSOR'S MAP # 17.
 9. ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM.

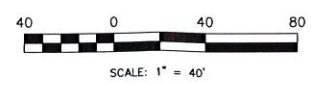
- MAP REFERENCES:
1. "PLOT PLAN PREPARED FOR TERRANCE W. AND CHARLENE MAHER" SCALE: 1"=60', 6-26-86 NFLR # 2450.
 2. "FINAL SUBDIVISION PLAN SHOWING WARWICK HOLLOW OWNED AND DEVELOPED BY GARY MEAD" SCALE: 1"=60', 1-27-86, REV TO 3-21-86, NFLR # 2400.
 3. NFLR #'s 528, 723 & 2397.

NEW FAIRFIELD ZONE TABLE RESIDENTIAL ZONE "R-88"			
STANDARDS	REQUIRED	PROVIDED	PROPOSED POOL
MINIMUM LOT AREA	2 AC	2.06 AC	2.06 AC
MIN. ROAD FRONTAGE	175'	177.07'	177.07'
SETBACKS			
FRONT	75'	> 75'	> 75'
SIDE	35'	81.67'	81.67'
REAR	60'	69.72'	69.72'
MAX. BLDG. AREA	15 %	2.73 %	2.73 %
MAX. IMPERVIOUS SURFACES	25 %	5.11 %	7.04 %
MAX. BLDG. HEIGHT	35'	27.4'	27.4'

LEGEND

PROPERTY LINE	---
BUILDING LINE	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
EXISTING SPOT ELEV.	100.00
PROPOSED SPOT ELEV.	100.00
DEEP HOLE	⊕
SEDIMENT FENCING	—SF—
STONEWALL	⊖
TREE LINE	~

WETLANDS DELINEATED IN THE FIELD BY MS. ALEXSANDRA MOCH CERTIFIED SOIL SCIENTIST ON DECEMBER 19, 2021



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS CORRECT AS NOTED HEREON.
THIS MAP IS NOT VALID UNLESS IT BEARS THE LIVE SIGNATURE AND SEAL OF THE UNDERSIGNED LAND SURVEYOR.

DAVID L. LAFERRIERE, LS #70072

- REVISIONS
- 12-21-2021 ADDED WETLANDS LINE AND 150' UPLAND REVIEW AREA LINE.
 - 12-26-2021 REVISED POOL LOCATION FURTHER FROM WETLANDS.
 - 03-20-22 REVISED WORDING FROM "PROPOSED" TO "APPROVED"

LIMITED PROPERTY/BOUNDARY ZONING LOCATION SURVEY PROPOSED POOL SURVEY
OF PROPERTY LOCATED AT
**3 TWIN PONDS COURT
NEW FAIRFIELD, CT.**
PREPARED FOR
DAVID W. POLOS & MICHAELLA M. WINTERS
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SILVA LAND SURVEYING, LLC
Land Surveying-Land Planning
43 WOODBURY HILL Phone: (203) 263-6776
WOODBURY, CT., 06798 davesurveyor@yahoo.com

SCALE: 1" = 40' NOVEMBER 7, 2021

N/F
SCOTT M. & KRISTEN M. YATES
67 WARWICK RD
17-3-16-18

N/F
JILL L. & DOMINIC L. OLIVETO JR.
65 WARWICK RD
17-3-15

N/F
MICHAEL L. LEE
69 WARWICK RD
17-3-19

N/F
VINCENT L. & STEPHANIE PALOMPELLI
1 TWIN PONDS CT
17-3-20.1

N/F
PAMELA JOY EVANS
5 TWIN PONDS CT
17-3-20.3

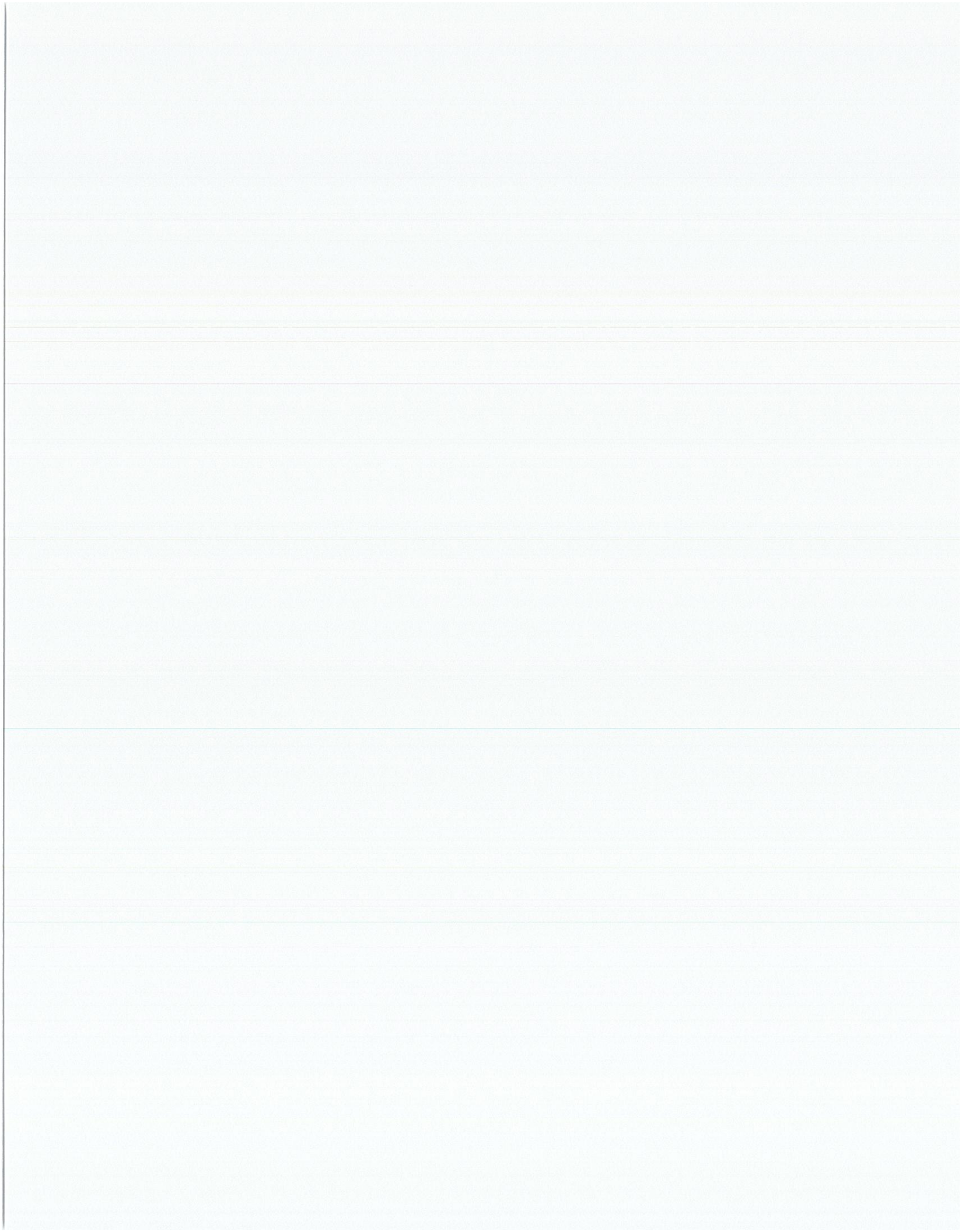
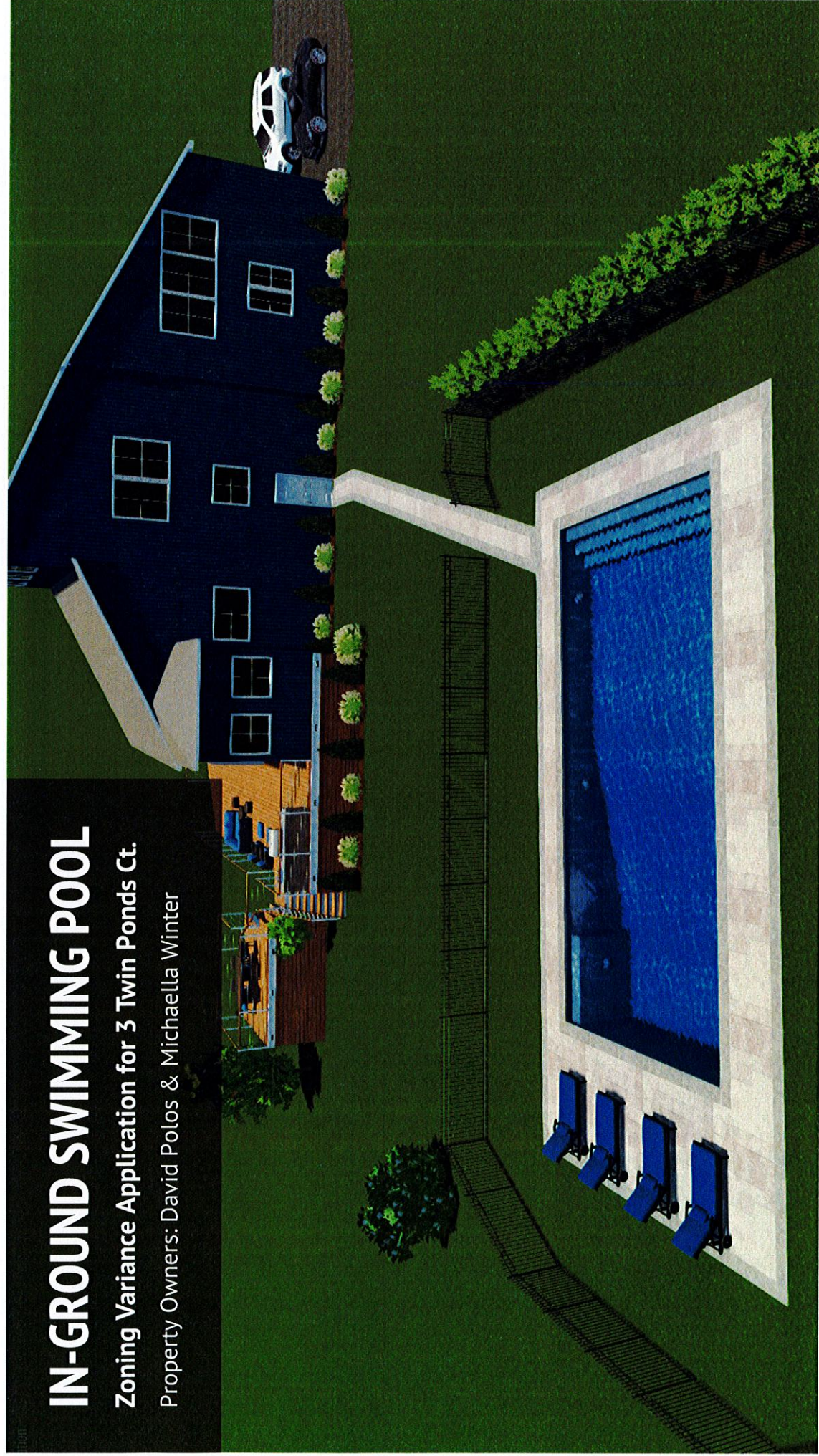
DRAINAGE EASEMENT IN FAVOR OF THE STATE OF CONNECTICUT (SEE FLR # 528)

PROPOSED POOL IS LOCATED WITHIN THE 150' UPLAND WETLANDS REVIEW AREA FROM STREAM

IN-GROUND SWIMMING POOL

Zoning Variance Application for 3 Twin Ponds Ct.

Property Owners: David Polos & Michaela Winter



LOCATION

Premises located at 3 Twin Ponds Ct. New Fairfield, CT 06812 on the south side of the street at approx. 510 feet Southwest from Warwick Road (nearest intersecting road).

Tax Assessor Map No: **17**

Block No: **3**

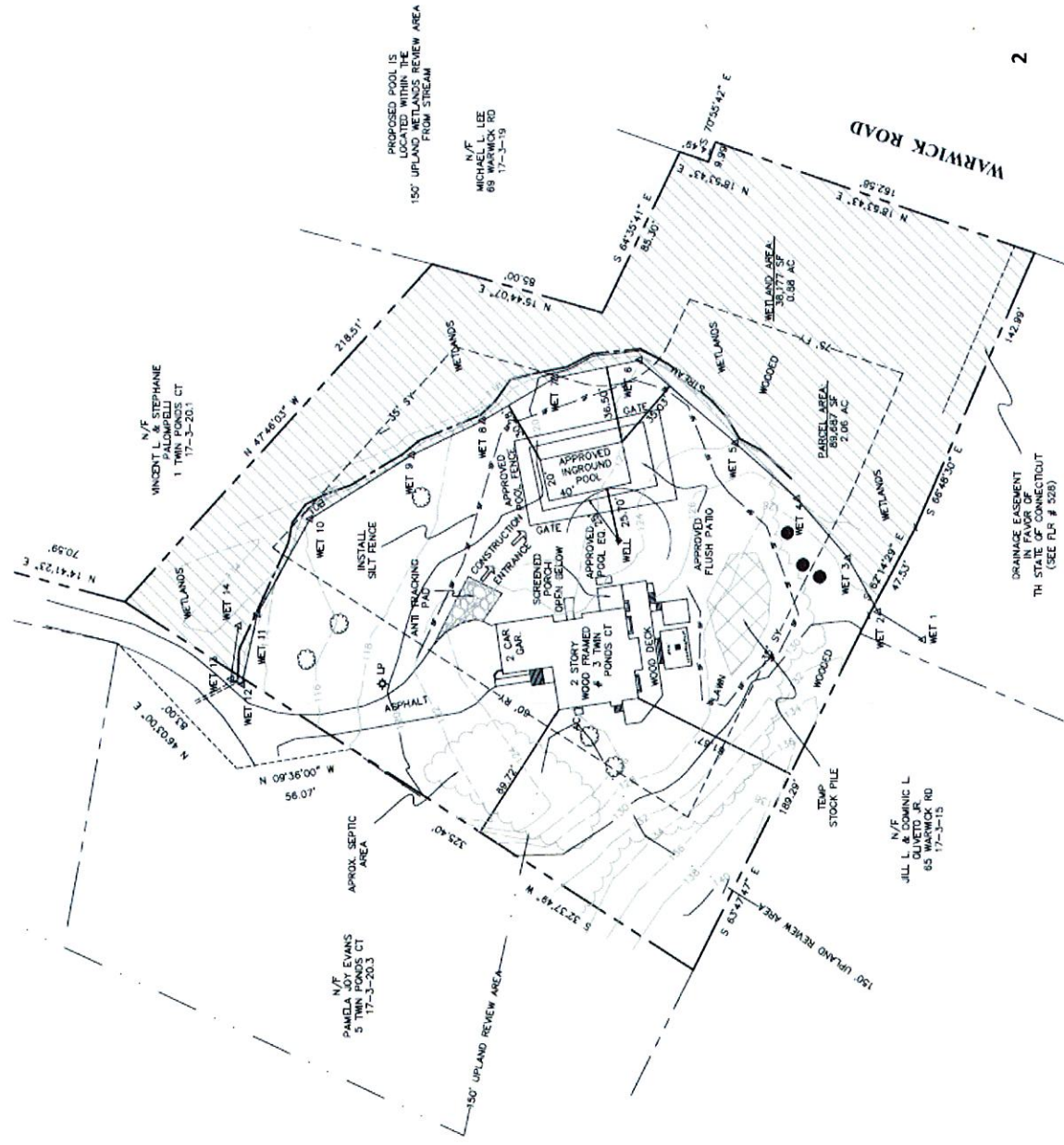
Lot No: **20.2**

Zone: **R88**

Lot Area: **2.0589**

Dimensions of lot:

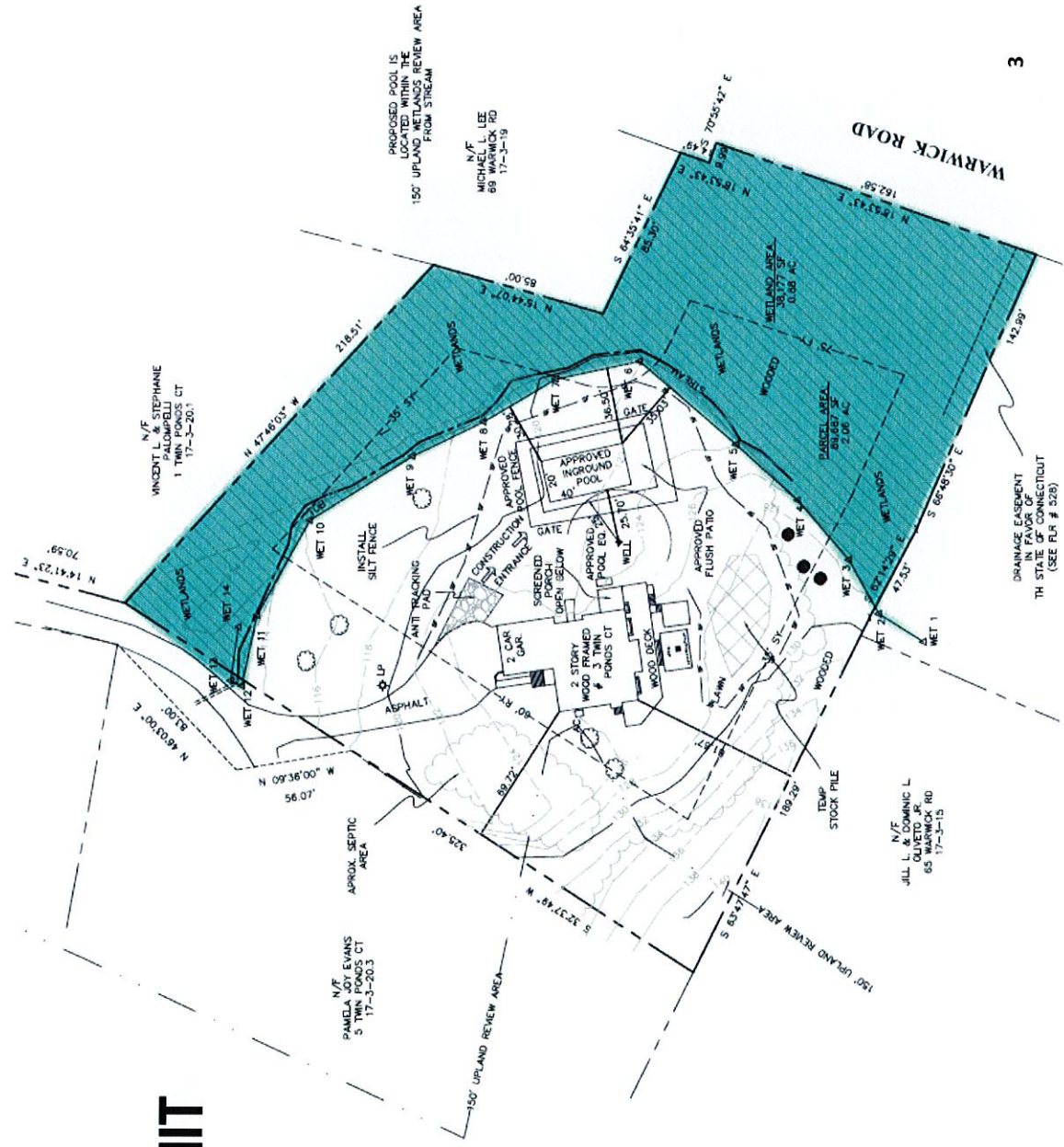
- Frontage: **120' on road**
- Average Depth: **~300'**



APPROVED WETLANDS PERMIT

Application & Permit No: I/W-22-003

Permit Issued: February 15, 2022



INITIAL PERMIT DECLINED

On February 22, 2022, our pool proposal was declined due to the orientation of our lot.

*"Unfortunately, this pool proposal due to your lot orientation will require **a variance since pools are not permitted in the front yard.**"*

HARDSHIP

Due to the sloped grade and shallowness of the land on the North, South and West of the property, the East side is the most suitable for an in-ground pool.

- The land to the North of the property steeply slopes downwards towards the driveway and shared easement and is too shallow for a pool.
- The land to the West of the property steeply slopes downwards towards the residence and is inhabited by several beautiful old trees. The width to the neighbor's property line is shallow, only ~69.72' not allowing for enough space for a pool.
- The land to the South of the property slopes downwards towards the residence and is within 100' of protected wetlands. The area is inhabited with very large shade producing trees, flora/fauna, and local wildlife and is too shallow for a pool.



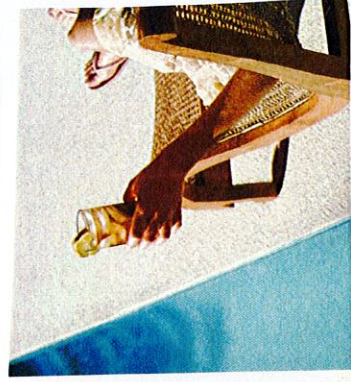
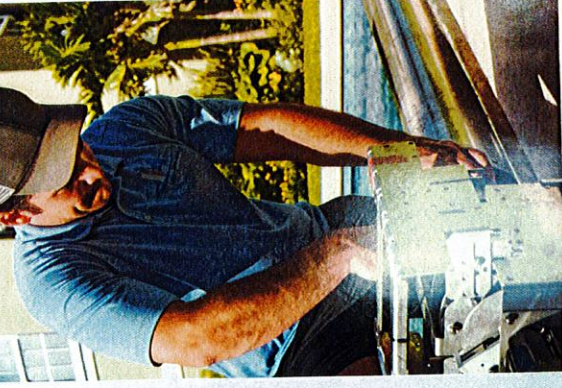
LATHAM VINYL POOL

Latham is the largest manufacturer of inground pools in the world, with over six decades of experience at the center of the backyard lifestyle. Every day, families in North America, Europe and Australia enjoy the Latham pool experience. And each year, thousands more join them. When it comes to quality, selection, simplicity and support, Latham is the Pool Company



The Pool of Your Dreams

With the Latham vinyl liner pool system, you can create a custom shape that fits your space and your style. Our durable walls combine with the vinyl liners in a modular and highly flexible way, so your pool can be designed and modified any way you might need it to be.



Lifetime Limited Warranty

A Latham pool is built to last a lifetime—a lifetime of carefree ownership and peace of mind. Our warranties are the most comprehensive in the swimming pool industry because we stand behind, and believe in, the quality of our products.

Latham polymer and steel wall panels and braces have a lifetime limited transferable warranty.

Building permits are easier with ICC certification

An International Code Council Evaluation Service (ICC-ES) Certification brings you one step closer to obtaining building permits for your pool. We are the only vinyl liner pool manufacturer to receive ICC-ES Certification of its products.

Building inspectors and engineers look to the ICC-ES evaluation reports for evidence that products and systems are code-compliant. For each Latham pool, standardized branded pool blueprints coded with ICC-ES report numbers, stamped and signed by licensed engineers, can be provided. Inspectors' primary choice for approving building codes are ICC-ES certified products.

Latham and the Latham logo are ICC-ES Evaluation Service (E-1225) and E-1226 certified pool systems. Latham Steel Reinforced, Inc. (2019) and Latham (2020) registered pool kits.

POOL PLANS

Rectangle

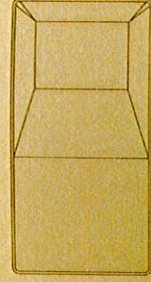
20'x40'

Select one of our many popular pool shapes, work alongside your dealer to customize the shape of your pool further, or even design a unique pool all your own.

Rectangle

14' x 28' 18' x 36'
16' x 32' 20' x 40' ✓
16' x 36'

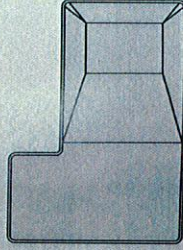
Available with 6" and 24" radius corners.



Full L

14' x 28' 18' x 36'
16' x 32' 20' x 40'

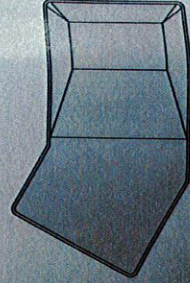
Available with 6" and 24" radius corners.



Lazy L

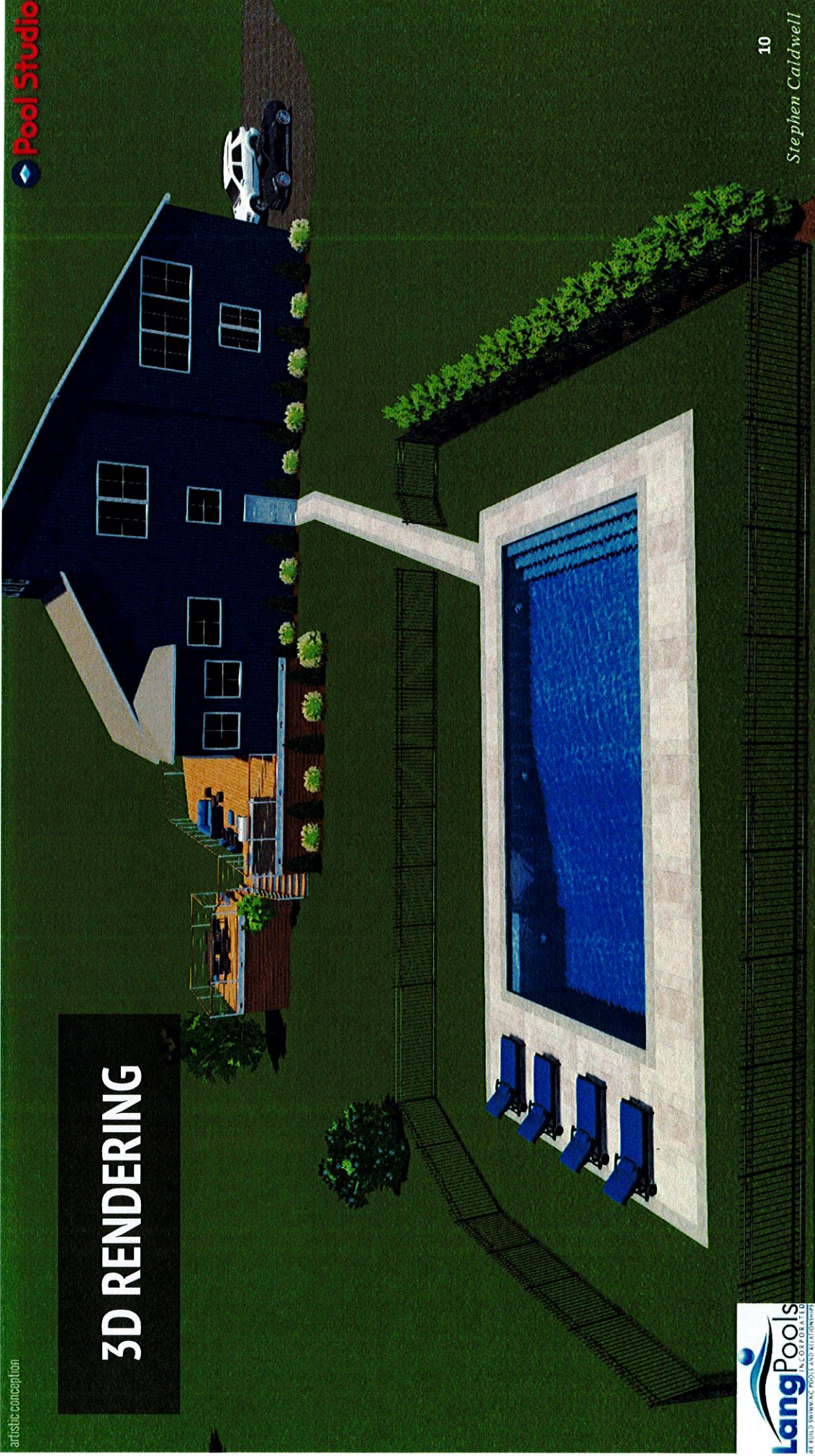
14' x 28' 18' x 40'
16' x 32' 20' x 42'

Available with 6" and 24" radius corners.



artistic conception

3D RENDERING

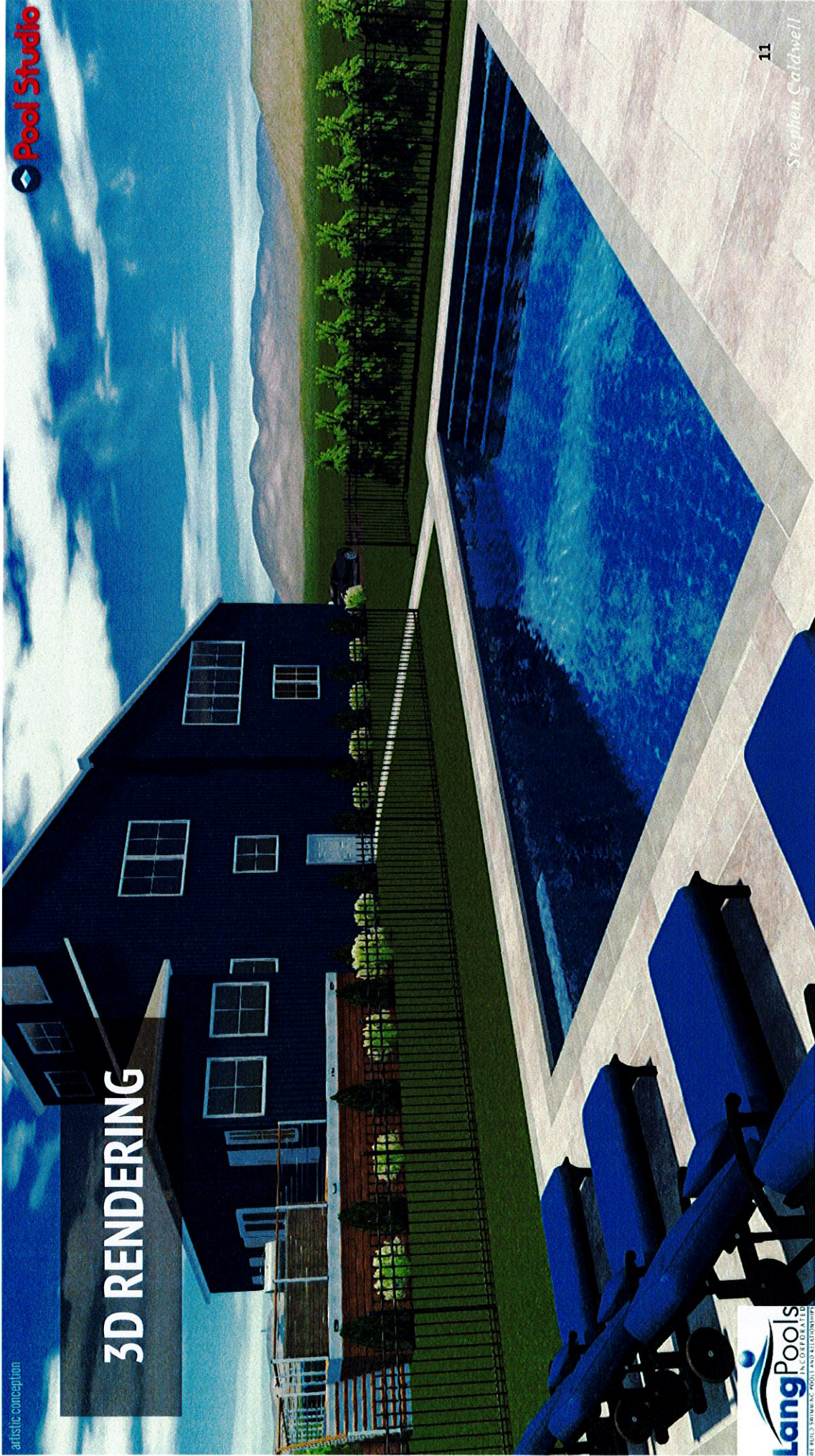


Pool Studio

LangPools
IN. COLLEGIATE
BY FIELD SWIMMING POOLS AND RESTORATION

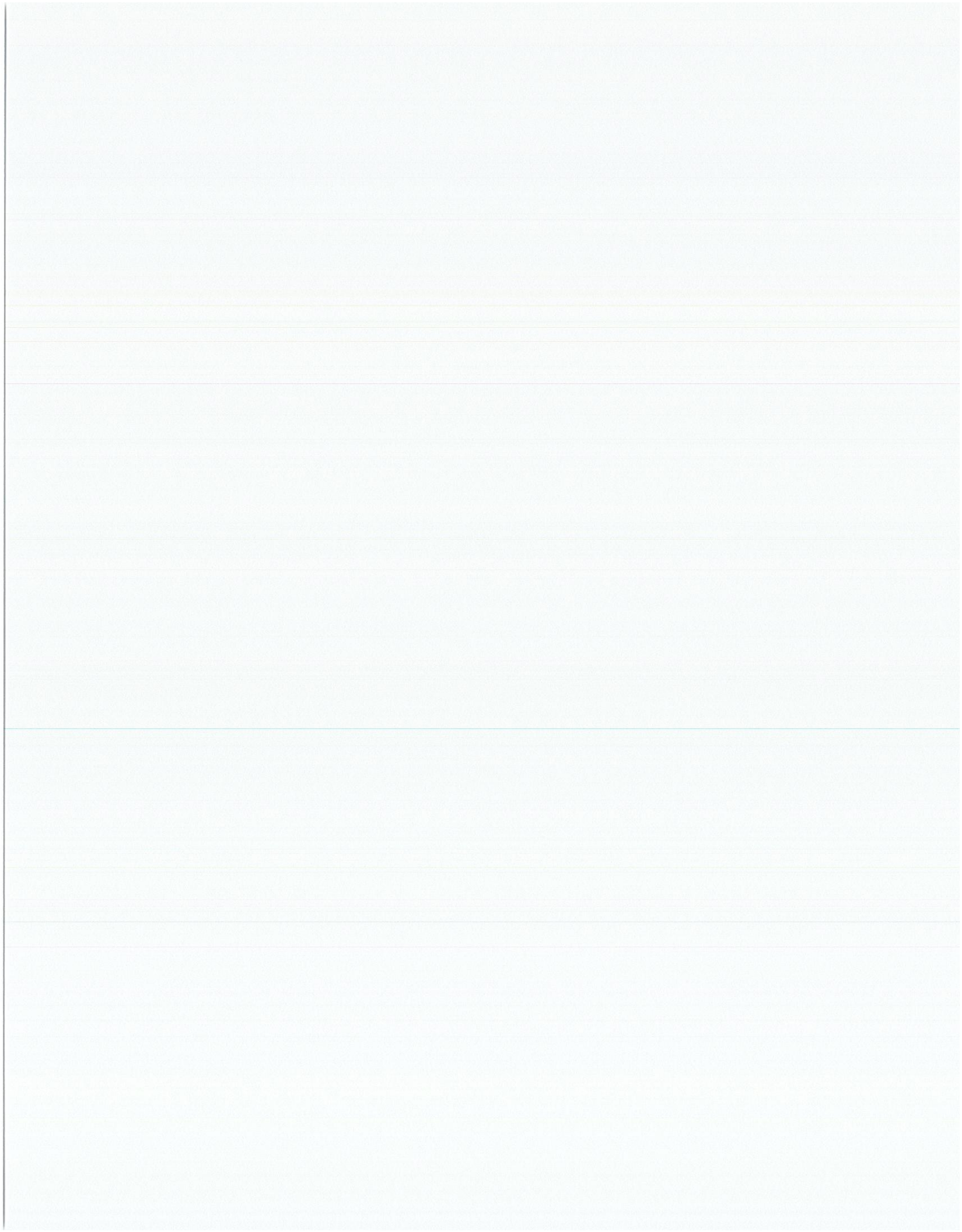
artistic conception

3D RENDERING



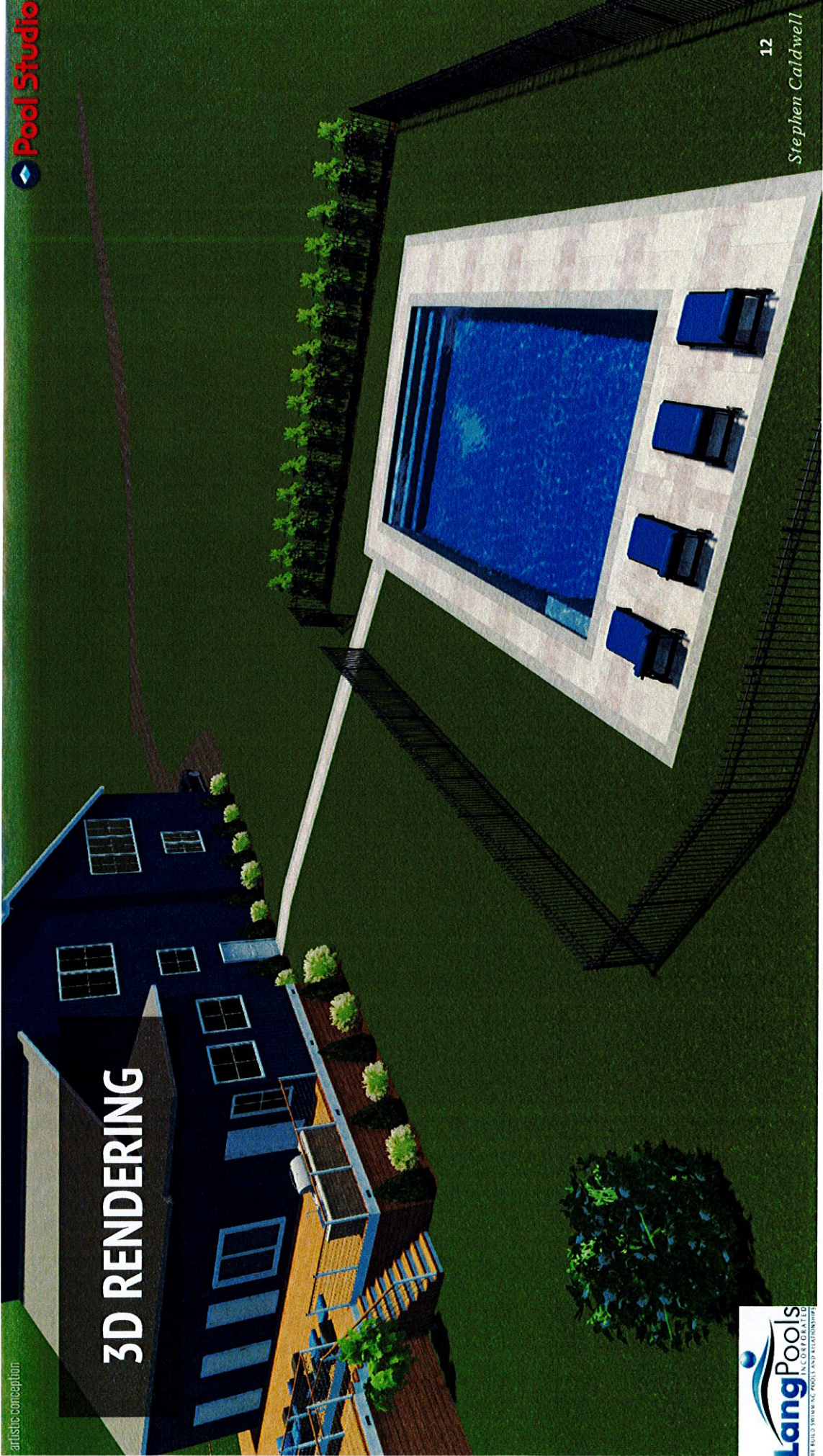
Pool Studio

LangPools
LANG POOLS
BY REX'S SWIMMING POOLS AND RESTAURANTS



artistic conception

3D RENDERING



Pool Studio

LangPools
INCORPORATED
BY BILL'S SWIMMING POOLS AND RECREATION

12
Stephen Caldwell

