

APPLICATION OR APEAL#: 35-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Ryan F. Murphy (Murphy Heating+Cooling LLC)
Mailing Address: 8 South Main St.
New Milford, CT 06776 Phone#: 203-482-3851
Email: rfm@murphyheatcool.com

2) Premises located at: 54 Lake Dr. No. New Fairfield on the (N S E W) side of the street
at approx. 500' feet (N S E W) from 500' south to (nearest intersecting road).
Sunset Dr.

3) Property Owner Name: Michael LoGiudice
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 15 Block No.: 1 Lot No.: 83

5) Zone in which property is located: R44 Area of Lot: 2.28 AC

6) Dimensions of Lot: Frontage: 100' Average Depth: 103'

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? YES (2021) General Contractor's Work (Cenny Lewis)

If so, give dates and application numbers: YEAR 2021 -> #31-20

10) Proposal for which variance is requested: New Air Conditioning/Heat Pump
condensing unit located 8FT-2 Inches from the
side property line

* Hardship: Pre existing non conforming narrow, shallow
lot

11) Date of Zoning Commission Denial: June 8, 2022

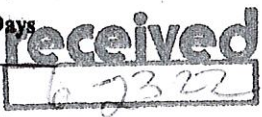
12) Variance(s) Requested: () USE () DIMENSIONAL
Zoning Regulations (sections): See attached Non-Compliance Letter

Setbacks Requested: Front to: N/A Rear to: N/A
Side to: 10' to 8'2" Side to: N/A

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: 6/22/22
Ryan F. Murphy



**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: June 29, 2022

PROPERTY OWNER: Michael Logiudice

PROPERTY ADDRESS: 54 Lake Drive North

APPLICANT/AGENT: Ryan F. Murphy (Murphy Heating & Cooling LLC.)

MAILING ADDRESS: 8 South Main Street, New Milford, CT 06776

ZONING DISTRICT: R-44 **MAP:** 15 **BLOCK:** 1 **LOT:** 83&84

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:

3.0.10-Mechanical Equipment

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

**New Fairfield Zoning Board of Appeals
4 Brush Hill Road
New Fairfield, Connecticut 06812**

VARIANCE

Pursuant to the requirement of the Connecticut General Statutes, the Zoning Board of Appeals of the Town of New Fairfield hereby gives notice that it has granted a Variance of the Zoning Regulations as more particularly set forth below:

RECORD OWNER OF PROPERTY: Michael LoGiudice

PROPERTY LOCATED AT: 54 Lake Drive North

ZONING DISTRICT: R-44; Map: 15; Block: 1; Lot: 83-84

VARIANCE DESCRIPTION: A side setback to 10.8' and a rear setback to 5.5' to allow construction of a 32'x20' deck, a Screened Front Porch with Roof and a 3-Season Porch per the plans as submitted to the Zoning Board of Appeals on September 17, 2020, contingent upon removal of the existing shed.

ZONING SECTIONS VARIED: 3.2.5A&B, 3.2.6B, 3.2.6C, 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on September 17, 2020.

Application # 31-20

Dated: September 17, 2020

Joseph DePaul

Joseph DePaul, Chairman
Zoning Board of Appeals

Application # 30-20: Fugelsang, 5 Old Farm Road, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 11.2', 3.2.11, 3.2.8, 7.1.1.1.A&B and 7.2.3A&B for the purpose of constructing a master bath addition. Zoning District: R-44; Map: 23; Block: 6; Lot: 3.

Eric Fugelsang presented his proposal to covert an existing master bath into a closet and build an 8'x14' master bath addition off the rear of the house. Mr. Fugelsang noted that this is the best location for the hot tub because the septic is located 15' from the side of the house and the back location would allow for the addition without increasing impervious surfaces. Joe DePaul questioned if the applicant had obtained a letter from Tim Simpkins stating that the addition should not be placed on the side of the house by the septic. A brief discussion ascertained that a 10' separation must be maintained between a building and the septic. John Apple noted that the R-44 zoning district was full of conforming homes and did not like the idea of increasing nonconformity. Joe DePaul noted that there was a shed in the front yard violating the zoning requirements. Mr. DePaul stated that he did not like to approve applications where there was already a violation of the zoning regulations. Evan White noted that for the R-44, a 0-200 sq. ft. shed required a permit. Mr. Fugelsang stated that he misunderstood the regulations and would be happy to apply for a permit. Bob Jano noted that the applicant's placement of the addition was in a reasonable location and saw no problem. Mr. Fugelsang noted that there was an existing 10' variance on the property for an existing pool. John Apple stated that the variance stays with the property forever. Ann Brown noted that the septic placement should be verified. The applicant presented a sketch showing the septic location on the side of the house. Joe DePaul asked the public for comment. None given. Mr. Fugelsang asked if a letter from his neighbor would help. Joe DePaul noted a letter from Tim Simpkins, the Town Sanitarian, would carry weight. The board suggested that the application be continued. Evan White suggested that the zoning regulation for impervious surfaces be added to the advertisement and, if the applicant increased impervious coverage, he would need to get a storm water management system. John Apple made a motion to continue Application #30-20, duly 2nd, approved 5-0. Application continued.

Application # 31-20: LoGiudice, 54 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 10.8', 3.2.6C Rear Setback to 3.6', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of replacing an existing deck with a 32'x20' deck, adding a Screened Front Porch with Roof and a 3-Season Porch with Roof and hidden sun deck. Zoning District: R-44; Map: 15; Block: 1; Lot: 83-84.

Lonny Lewis, agent for Michael LoGiudice, noted the preexisting nonconforming narrow lot with the house placed in the back. The applicant would like to square off the deck with an addition and add a 3-season room. The existing side setback is 10.8' and rear setback is 5.5'. A brief discussion over the rear setback ensued. Since the proposed deck is on grade level at the rear and is not elevated until it approaches the front of the house, a rear setback of 5.5', not 3.6', is needed with no increase in nonconformity. Joe DePaul also noted that there is an existing shed

in the front yard that will need to be removed as a condition of the variance. The applicant agreed. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board discussed the applicant's willingness to remove the shed. Joe DePaul made a motion to grant a rear setback to 5.5' and side setback to 10.8' to allow a deck addition per the plans as submitted, noting there is no increase in structural nonconformity and the obligation to remove the shed is a contingency of the variance; the hardship being the irregular shape of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Bob Jano made a motion to accept the minutes as written, duly 2nd, approved 4-0-1, Ann Brown abstaining.

Application # 32-20: Ashley, 55 Lavelle Avenue, for variances to Zoning Regulations 3.0.10 Mechanical Equipment, 3.2.5A&B, 3.2.6B Side Setback to 3', 3.2.11, 7.1.1.2 and 7.2.3A& B for the purpose of installing a generator. Zoning District: R-44; Map: 2; Block: 7; Lot: 28.

Diane Ashley gave a brief overview of the preexisting nonconforming lot. A variance is needed due to the proposed placement of the generator in the front plane of the property. The lot has a grade change with an existing retaining wall allowing the generator to be placed behind the retaining wall out of sight in a location most suited to muffle the sound. Ms. Ashley explained that the generator was a small Generac and should not make that much noise. Photos were shown of placement. Joe DePaul noted that he had no problem with the application. John Apple noted that the generator needed airflow and needed to be placed 10' from any window or door. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul made a motion to grant a side setback to 3' to allow placement of a generator in the front yard behind a retaining wall per the plans as submitted; the hardship being the slope of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 33-20: Lee and McKensie, 5 Candlewood Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 14', 3.2.6C Rear Setback to 32', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new single family house with vertical expansion. Zoning District: R-44; Map: 39; Block: 1; Lot: 15.

Stacey Keaney, Keaney & Co., gave an overview of the proposal to rebuild an existing nonconforming home in a different style with a 14'x24' addition on the south side. The property has two previously granted variances; a 14' front setback and a 32' rear setback. The lot is oddly shaped with a triangle shaped building envelope. A brief discussion ensued over the position of the house and the close proximity to the road. Joe DePaul noted that he would not grant a variance for new construction that was not trying to conform to the zoning regulations. Mr. DePaul suggested that the house be pushed back to 22.5' and the 14'x24' addition be put on the

MICHAEL LOGIUDICE, Esq.

9 GOLF COURT
RIDGEFIELD, CT 06877
917-364-2880

June 22, 2022

New Fairfield Zoning
4 Brush Hill Road
New Fairfield, CT 06812

Re: 54 Lake Drive North

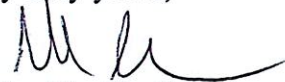
Dear Sir/Madam:

As you are aware, I own the aforementioned property.

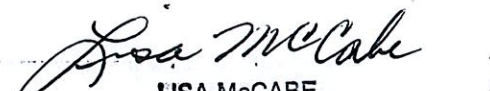
I hereby grant Ryan F. Murphy to act as an agent to apply for a variance in reference to the Mini Split Heat Pump Condensing unit at your property 54 Lake Dr. No. New Fairfield, CT. This includes appearing at any zoning hearings on my behalf.

Thank you very much for your time and consideration with this matter.

Very truly yours,

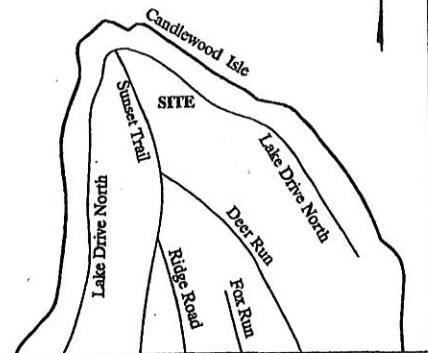


Michael LoGiudice, Esq.



LISA McCABE
Notary Public, State of New York
No. 01MC5056563
Qualified in Putnam County
Commission Expires March 4, 2026

Candlewood Lake



Vicinity Map
Scale: 1"=1000

RESIDENCE ZONE R-44		MINIMUM REQUIRED MAXIMUM ALLOWED	EXISTING CONDITIONS	PROPOSED CONDITIONS	AS-BUILT CONDITIONS
Minimum Lot Area	43,560 SF	11,353 SF	11,353 SF	11,353 SF	
Minimum Road Frontage	125'	102.00'	102.00'	102.00'	
Setback From Front Property Line	40'	82.0'±	67.5'±	10.0'±	
Setback From Side Property Line	20'	10.0'±	10.0'±	10.0'±	
Setback From Rear Property Line	50'	5.5'±	5.5'±	5.5'±	
Maximum Height For A Building Or Structure	35'	17.8'±	17.8'±	17.8'±	
Maximum Building Area	20%	12.6%	12.6%	18.0%	
Maximum Impervious Surface	25%	28.1%	33.9%		

* 3.6'± to proposed deck
** Height is from average ground around house (112.1) to midpoint of roof.

NOTES:

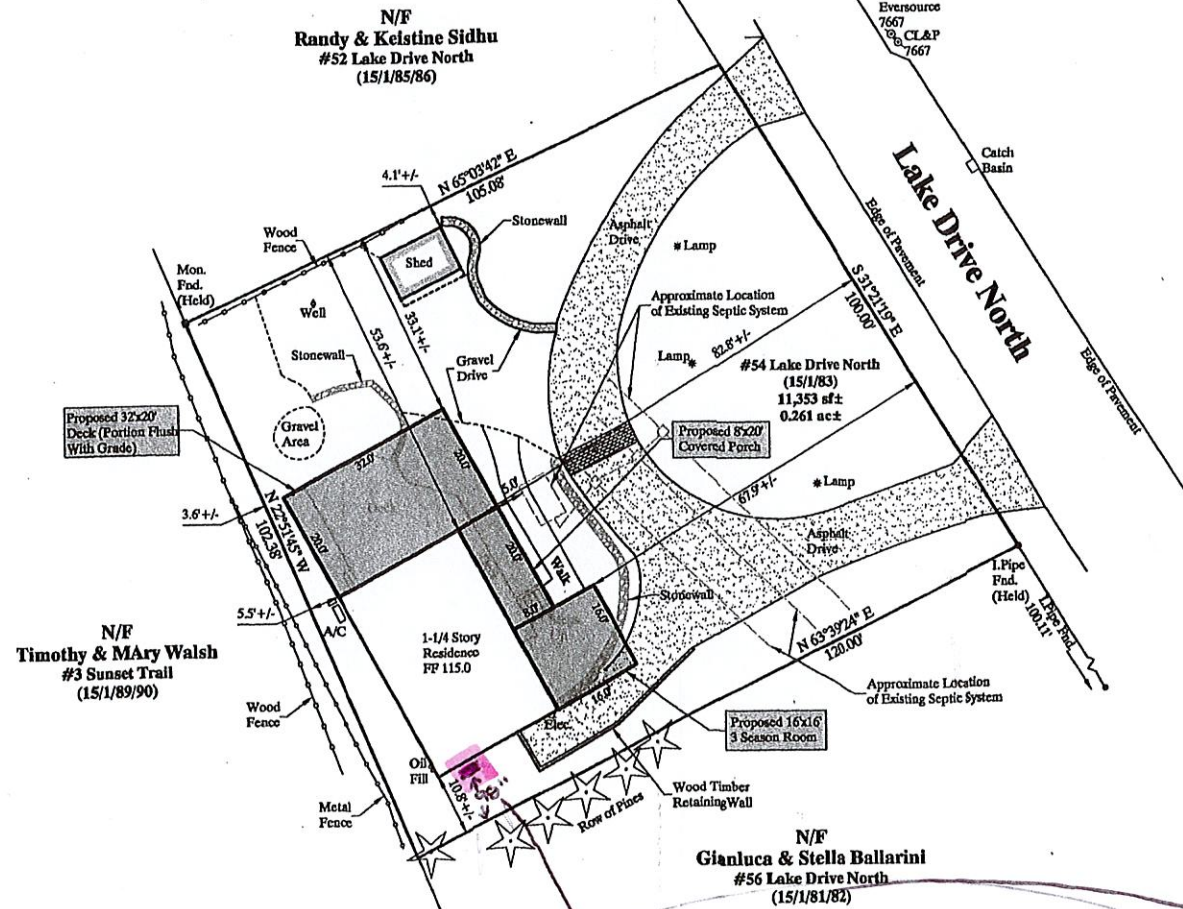
- This survey and map has been prepared in accordance with the Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies - "Minimum Standards for Survey and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc. It is a Data Accumulation Plan based upon a Resurvey and conforms to Horizontal Accuracy Class A-2.
- Reference is made to the following documents:
A. RM 126-Candlewood Isle Subdivision, Section One; New Fairfield, Connecticut; 1930; by A.L. Davis.
- The underground utilities shown, if any, have been located from visible field survey information. No attempt has been made as a part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utilities or municipal/public service facilities. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area either in service or abandoned. For information regarding these utilities or facilities, please contact the appropriate agencies.
- Distances shown ± from buildings to property lines are for reference purposes only and are not to be used to establish boundaries.
- Zoning information shown on this map must be reviewed and confirmed by the appropriate Town of New Fairfield authorities prior to use.
- Unauthorized alterations or additions to this survey, which bears the surveyor's embossed seal, renders any declaration shown hereon null and void.
- The property is located in Zone X per FEMA Flood Map #09001C0127F; Panel 127 of 626; Effective Date: 6/18/2010.
- Reference is hereby made to Connecticut General Statute 8-13a, as amended, with regards to existing structures three or more years old.
- Elevations depicted hereon are on an assumed system.
- Records analyzed for this project do not agree in total with each other and in some cases, do not agree with lines/areas of occupation. Every effort has been made to determine the correctly intended property lines. The boundary determination shown hereon represents the "best fit" solution based on the available records. Property lines are shown based on the location of existing monumentation and are subject to review.

EXISTING IMPERVIOUS COVERAGE INCLUSIONS:

HOUSE = 881 SF±
ASPHALT DRIVE = 2,158 SF±
WALK = 149 SF±
DECK = 445 SF± (LESS THAN 500 SF ALLOWED)
TOTAL = 3,188±

PROPOSED IMPERVIOUS COVERAGE INCLUSIONS:

HOUSE = 881 SF±
ASPHALT DRIVE = 2,158 SF±
WALK = 149 SF±
DECK = 640 SF± (140 SF OVER 500 SF ALLOWED)
COVERED PORCH = 160 SF±
3-SEASON ROOM = 256 SF±
TOTAL = 3,744±



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT ELEVATION
- FINISHED FLOOR
- GARAGE FLOOR
- BUILDING SETBACK LINE
- CONIFER TREE
- DECIDUOUS TREE
- EXISTING IRON PIN/PIPE
- EXISTING MONUMENT
- UTILITY POLE

NOT VALID UNLESS EMBOSSED WITH SEAL OR FIXED WITH THE LIVE STAMP OF THE SIGNATORY
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON



Michael S. Shevlin, Jr. PLS #70339

Unit to have a measurement of 8 FT 2" from the front of the condenser to the property line

DATA ACCUMULATION PLAN
PREPARED FOR
MICHAEL LOGIUDICE
#54 LAKE DRIVE NORTH
NEW FAIRFIELD, CONNECTICUT

DATE:	8/18/2020	SCALE:	1"=20'	DRAFTER:	DCH	JOB NUMBER:	6920	FILE NUMBER:	
NO.	1	DATE	9-1-2020	DESCRIPTION	COV. CALCULATIONS				
<p>SHEVLIN LAND SURVEYING, LLC 165 Oyster Road-Fairfield, CT 203.218.5840 593 Main Street-Monroe, CT ShevlinLS.com</p>									



