

received
6-23-22

APPLICATION OR APEAL#: 37-22

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Nejame + Sons
Mailing Address: 91 South St.
Danbury, CT Phone#: 203-743-4663
Email: Sd@mypoolscool.com 06810

2) Premises located at: 8 Smoke Hill Dr. on the (N S E W) side of the street
at approx. 579' feet (N S E W) from Old Farm Rd. (nearest intersecting road).

3) Property Owner Name: DAVID Flynn
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No. 28 Block No.: 3 Lot No.: 16

5) Zone in which property is located: zone 1 / R44 Area of Lot: 0.669

6) Dimensions of Lot: Frontage: _____ Average Depth: _____

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: N/A

10) Proposal for which variance is requested: Requesting to reduce rear setback to 25' for installation of inground pool

Hardship: There is no other alternate location for the pool due to the 50' rear setback

11) Date of Zoning Commission Denial June 29, 2022

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

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

Setbacks Requested: Front to: N/A Rear to: 25'
Side to: N/A Side to: N/A

13) Use to be made of property if variance is granted: Residential w/ in ground swimming pool

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: N/A

SIGNATURE OF OWNER OR AGENT: Sona Dumici DATE: 6/23/22
Nejame + Sons

received
6-23-22

#5

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: June 29, 2022

PROPERTY OWNER: David Flynn

PROPERTY ADDRESS: 8 Smoke Hill Drive

APPLICANT/AGENT: David Flynn & Nejame & Sons

MAILING ADDRESS: 91 South Street, Danbury CT,

ZONING DISTRICT: R-44 **MAP:** 23 **BLOCK:** 16 **LOT:** 42

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)

3.2.5-Minimum Lot Area & Frontage (A)

3.2.6-Minimum Building or Structure Setbacks (C)

3.2.11-Minimum Lot Dimensions

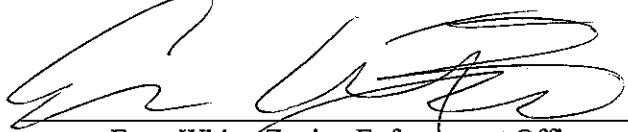
7.1.1.1-Improved Lots in Validated Subdivision or Recorded Subdivision and Resubdivision (A+B)

7.2.3-Nonconforming Use of Building or Structure; Nonconforming Buildings or Structures (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

3s

N/F OFARRELL
TAX LOT ID: 28-3-21

1/2" REBAR FOUND @ COR.
6" BELOW GRADE

1250 GAL. SEPTIC TANK
(SEE NOTE 7)

N5°06'20"W 171.40'

LEACHING TRENCHES TYP.
(SEE NOTE 7)

1/2" REBAR FOUND
E. 1.1'

PROPOSED POOL
50' R.Y.S.B. CURB
DISTRIBUTION BOX TYP.
(SEE NOTE 7)

S76°24'20"W 176.11'

13s

N/F HEFFERNAN
TAX LOT ID: 28-3-15

N88°03'11"E 207.31'

11s

N/F JENNINGS
T.C. MAP 3164
TAX LOT ID: 28-3-17

12s

1/2" REBAR FOUND
N.E. 0.7'

R=1432.40'
L=137.99'

GUY WIRE (TYP.)

UTILITY POLE (TYP.)
OVERHEAD UTILITIES (TYP.)

SMOKE HILL DRIVE

UTILITIES UNDERGROUND TO HOUSE

SURVEY NOTES:
1. AREA = 0.669 AC., 29,134 AC.
2. TAX LOT ID: 28-3-16

ZONING TABLE - R44 (ZONE 1)			
TOWN REQ.	AREA (S.F.)	BUILDING AREA (S.F.)/%	IMP. SURFACE (S.F.)/%
EXISTING	29134	20.0%	7284 25.0%
PROPOSED	29134	5.9%	5445 18.7%
		5.9%	5925 20.3%

REVISIONS

DATE	DESCRIPTION	BY
5/11/22	ADD PROP. POOL	EF

CERTIFICATION

THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTION 20-300B-1 THROUGH 20-300B-20 AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED ON SEPTEMBER 26, 1996, AS FOLLOWS:
THIS MAP WAS PREPARED AS A LIMITED BOUNDARY/PROPERTY SURVEY.
BOUNDARY DETERMINATION IS IN ACCORDANCE WITH THE STANDARDS FOR A DEPENDANT RESURVEY. (REFER TO T.C. MAP NO. 1003 ON FILE WITH THE NEW FAIRFIELD LAND RECORDS).
THIS MAP MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR HORIZONTAL ACCURACY FOR CLASS A-2 SURVEYS.

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

Evan J. Fogle
EVAN J. FOGLE, P.L.S. License No. 70432

GEOLOGIC LAND SURVEYING, PLLC
MOUNT KISBO, N. NEW FAIRFIELD, CT.

GRAPHIC SCALE



PLOT PLAN / PROPERTY SURVEY

PREPARED FOR

ANDREA & DAVID FLYNN

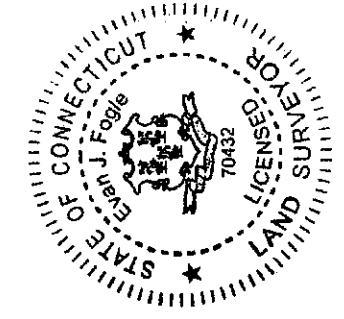
BEING
LOT 12S
(T.C. MAP No. 1003)
ALSO KNOWN AS

8 SMOKE HILL DRIVE
SITUATE IN THE

TOWN OF NEW FAIRFIELD
SCALE: 1" = 30'
FAIRFIELD CO., CT.
MAY 13, 2022

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SURVEYOR'S SEAL



MAP NOTES

1. THIS SURVEY WAS CONDUCTED ON THE GROUND ON MAY 13, 2022.
2. PROPERTY LOCATED IN ZONE 1 (R44) ZONING DISTRICT.
3. PROPERTY SUBJECT TO COVENANTS AND RESTRICTIONS OF RECORD.
4. NO CERTIFICATION IS MADE TO THE LOCATION OF UNDERGROUND FEATURES AND/OR STRUCTURES; UNDERGROUND FEATURES, IF ANY, ARE NOT SHOWN HEREON.
5. REFERENCES MADE TO TOWN CLERK MAP No. Z58.1003.3164, AS WELL AS BOOK 423 PAGE 1316.
6. OFFSETS SHOWN HEREON REFER TO THE BUILDING EAVES U.O.N.
7. SEPTIC LOCATIONS SHOWN HEREON ARE DEPICTED FROM AS-BUILT ON FILE WITH THE BUILDING DEPARTMENT. LOCATIONS ARE APPROXIMATE.
8. ONLY COPIES OF THE ORIGINAL OF THIS SURVEY, BEARING THE ORIGINAL IMPRESSION OF THE SURVEYOR'S SIGNATURE