

APPLICATION OR APEAL#: 08-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Jen Terban-Hertell
Mailing Address: 102 Bedell Place
Melville NY 11747 Phone#: 917-853-4600
Email: nyc.jen19@gmail.com

2) Premises located at: 24 Hilldale Rd on the (N SE W) side of the street
at approx. 500 feet (N S E W) from Brook Dr / Cherry Dr (nearest intersecting road).

3) Property Owner Name: Jen Terban-Hertell
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 44 Block No.: 4 Lot No.: 46-47

5) Zone in which property is located: R-44 Area of Lot: 15,658 sq ft

6) Dimensions of Lot: Frontage: 134.62' ± Average Depth: 101' ±

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: Double decker Decks. The bottom deck is 42' x 10' upper deck 42' x 8'. The decks will have a staircase from the top to the bottom to the ground

Hardship: Pre-existing nonconforming shallow lot with significant slope throughout lot

ZONING BOARD OF APPEALS
APR 20 2023
PROPOSAL

#3

11) Date of Zoning Commission Denial: March 28, 2023

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

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

Setbacks Requested: Front to: _____ Rear to: 50' to 36'5"
Side to: 20' to 15'7" 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: Jen Terban-Hertell DATE: 3/18/23

received
3-22-23

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: March 28, 2023

PROPERTY OWNER: Jen Terban-Hertell

PROPERTY ADDRESS: 24 Hilldale Road

APPLICANT/AGENT: Jen Terban-Hertell

MAILING ADDRESS: 102 Bedell Place, Melville, NY 11747

ZONING DISTRICT: R-44 MAP: 44 BLOCK: 4 LOT: 46

Please be advised that the applicant would like to request to build double decker decks. The bottom deck is 42' x 10' Upper Deck is 42' x 8'. The decks will have a staircase from the top to the bottom to the ground (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)

3.2.6-Minimum Building & Structure Setbacks (B+C)

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.

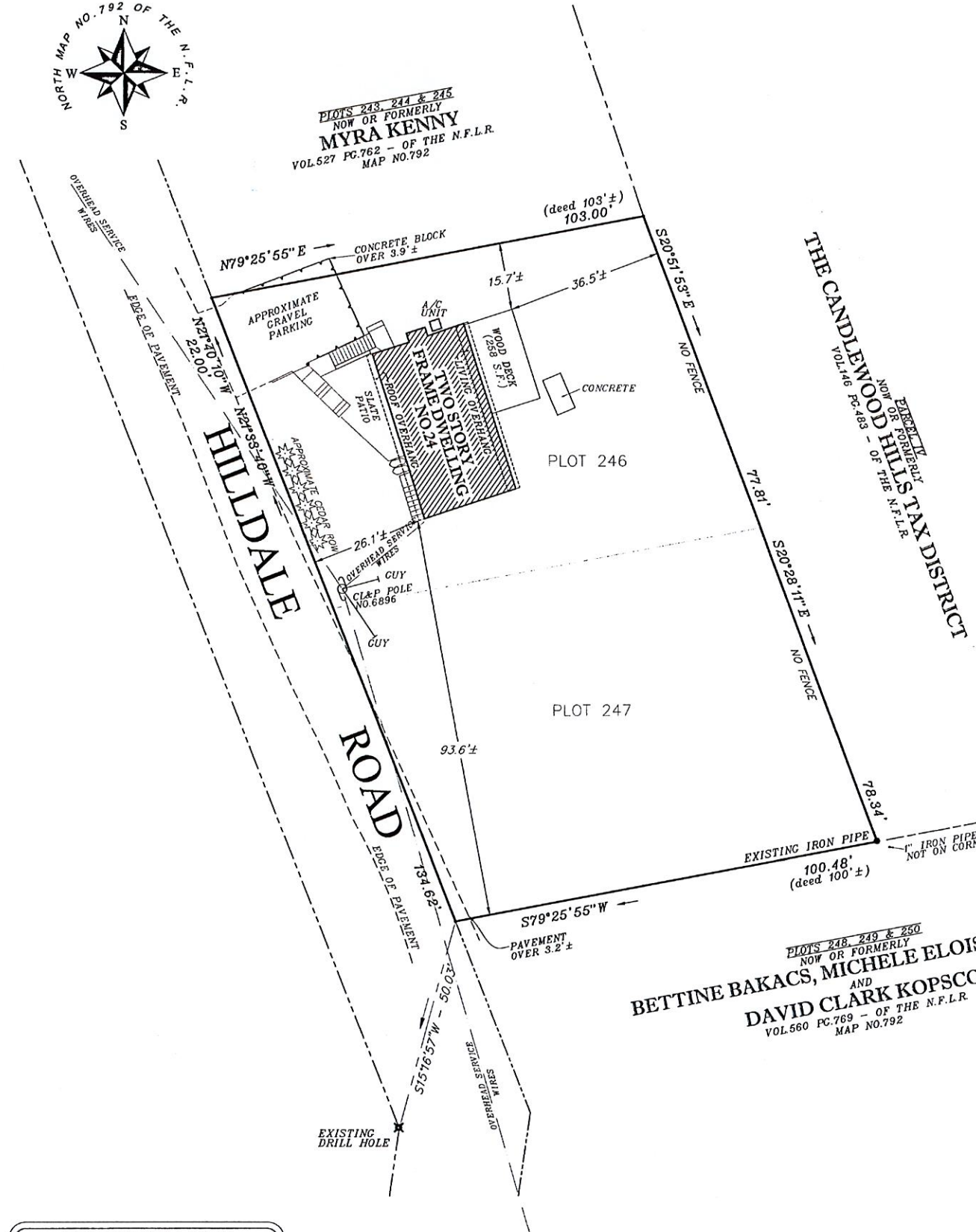
THE OWNER/APPLICANT SHALL BE RESPONSIBLE FOR ANY DECISION MADE FROM RELIANCE ON THIS FORM AND IT SHALL NOT CREATE LIABILITY ON THE PART OF ANY OFFICER OR THE TOWN OF NEW FAIRFIELD.

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


Evan White, Zoning Enforcement Officer
Town of New Fairfield



PLOTS 243, 244 & 245
 NOW OR FORMERLY
MYRA KENNY
 VOL.527 PG.762 - OF THE N.F.L.R.
 MAP NO.792



OWNERSHIP NOTES:

1. OWNERS OF RECORD: **JENNIFER TERBAN-HERTELL** - VOL.567 PG.663 OF THE N.F.L.R.

SURVEY NOTES:

1. 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 19, 2019. IT IS AN IMPROVEMENT LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
2. MONUMENTATION FOUND OR SET DEPICTED HEREON.
3. REFERENCE MADE TO MAP NOS. 429, 792 OF THE NEW FAIRFIELD LAND RECORDS.
4. SUBJECT TO EASEMENTS OF RECORD, IF ANY.
5. SUBJECT TO RIGHTS, PRIVILEGES AND EASEMENTS AND SUBJECT TO ALL THE CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS RECORDED IN VOL.73 PG.171 AND VOL.69 PG.113 OF THE NEW FAIRFIELD LAND RECORDS.

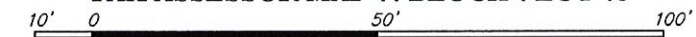
ZONING DATA - R-44 (SEC.3.0.2.A)		
GENERAL PROVISIONS	PERMITTED	EXISTING
a. MINIMUM LOT AREA	43,560 Sq. Ft.	15,658 Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0'	156.62'
c. MINIMUM FRONT YARD	40.0'	26.1'±
d. MINIMUM SIDE YARD	20.0'	15.7'±
e. MINIMUM REAR YARD	50.0'	36.5'±
f. MAXIMUM HEIGHT	35.0'	21.9'±
g. MAXIMUM BUILDING AREA	20%	5.8%
h. MAXIMUM IMPERVIOUS SURFACES	25%	9.7%

PLOTS 248, 249 & 250
 NOW OR FORMERLY
BETTINE BAKACS, MICHELE ELOISE BAKACS
 AND
DAVID CLARK KOPSCO
 VOL.560 PG.769 - OF THE N.F.L.R.
 MAP NO.792

EXISTING

IMPROVEMENT LOCATION SURVEY

PREPARED FOR
JENNIFER TERBAN-HERTELL
 DEPICTING PROPERTY SITUATED AT
 24 HILLDALE ROAD
 NEW FAIRFIELD, CONNECTICUT
 TAX ASSESSOR MAP 44 BLOCK 4 LOT 46



SCALE: 1"=20' ZONE: R-44
 AREA: 15,658 Sq. Ft. DATE: JULY 15, 2022
 DRAWN BY: Z.S.R. DRAWING NAME: 22298-11S

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

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

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

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



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MYRA KENNY
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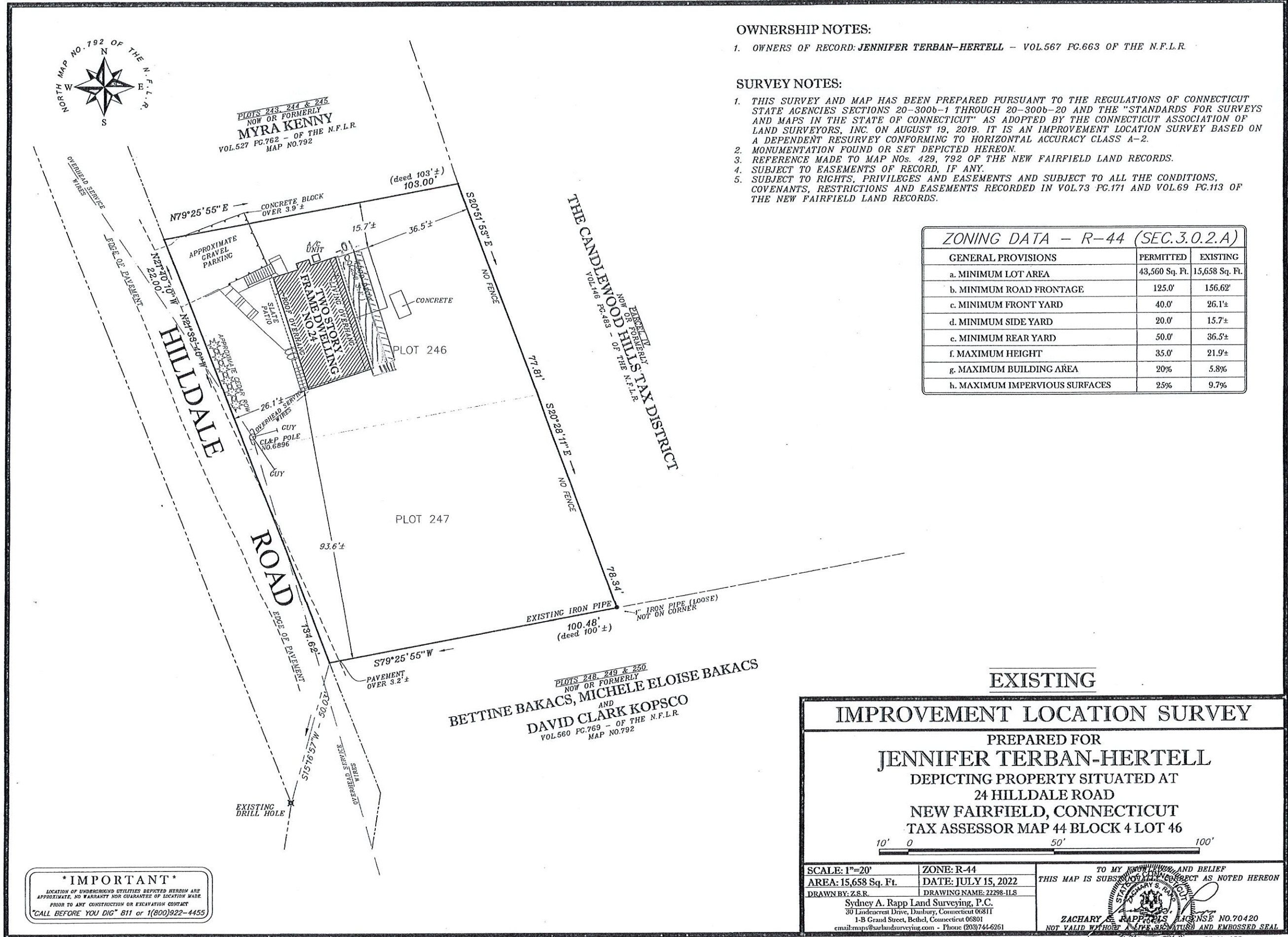
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(DECKS PLAN)

