

APPLICATION OR APEAL#: 07-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Terry and Jeff Hurwitz
Mailing Address: 4 Devon Lane
Warren, NJ 07059 Phone#: 908 670-3348
Email: tgmenchel@gmail.com

2) Premises located at: 9 Candlewood Road on the (N S E W) side of the street
at approx. 800' feet (N S E W) from Bear Mountain (nearest intersecting road).

3) Property Owner Name: Terry and Jeff Hurwitz

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 39 Block No.: 1 Lot No.: 31-36

5) Zone in which property is located: R-44 Area of Lot: 12,494 +-

6) Dimensions of Lot: Frontage: 130.79' Average Depth: 104 +-

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

If so, give dates and application numbers: #14-90 VOL 200 PG. 752

10) Proposal for which variance is requested: _____

Relief from the existing setback to build a screened porch, lower level Den
& roof deck, to align with existing roof overhang, not encroaching on existing setback of 44.2'

Hardship: The existing location of the home is non-conforming to the setback regulations.
The property has a steep terrain. The addition will not increase non-conformity

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:	<u>18.7'</u>	Rear to:	<u>Existing 44.2' Proposed 45.1'</u>
Side to:	<u>west 0.2'</u>	Side to:	<u>N/A</u>

13) Use to be made of property if variance is granted: Single Family Dwelling

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: Terry Hurwitz DATE: 3/20/2023

PROPOSAL
APR 20 2023
ZONING BOARD OF APPEALS

#2
received
3-23-23
ML

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: March 28, 2023

PROPERTY OWNER: Terry & Jeff Hurwitz

PROPERTY ADDRESS: 9 Candlewood Road

APPLICANT/AGENT: Terry and Jeff Hurwitz & Stacey Keaney & Co. LLC

MAILING ADDRESS: 4 Devon Lane, Warren, NJ 07059

ZONING DISTRICT: R-44 **MAP:** 39 **BLOCK:** 1 **LOT:** 31-36

Please be advised that the applicant would like to request relief from the existing setback to build a screened porch, lower den, & roof deck, to align with existing roof overhang, not encroaching on existing setback of 44.2' (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 (A+B+C)

3.2.8-Maximum Impervious Surfaces

3.2.11-Minimum Lot Dimensions

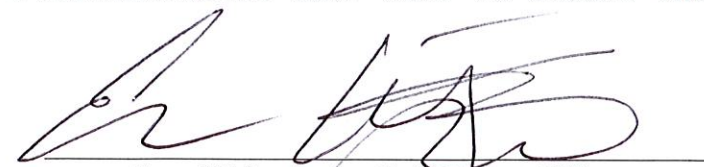
7.1.12-Improved Lots Not In a Validated or Approved Subdivision

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

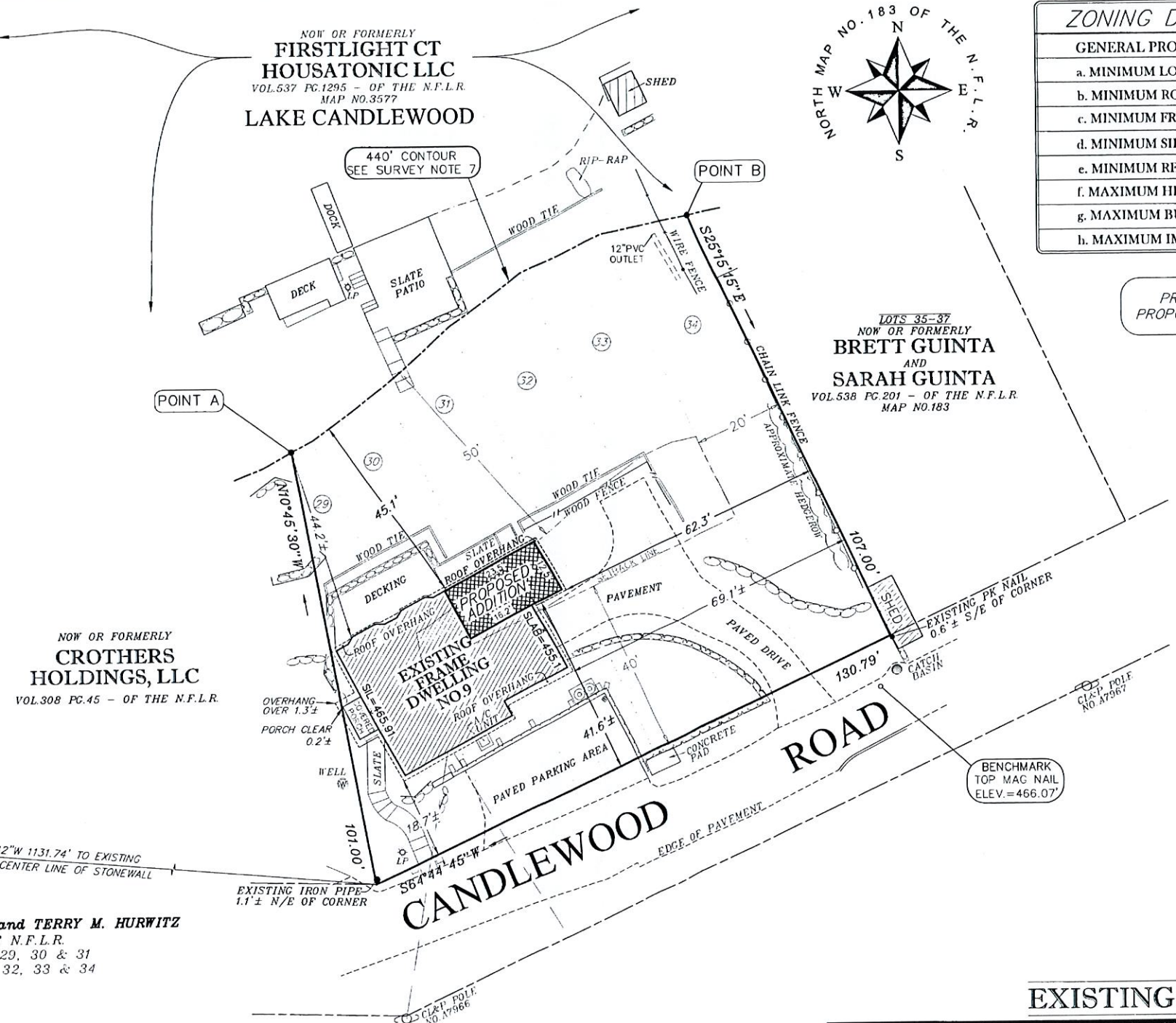
LEGEND

	CATCH BASIN
	UTILITY POLE
	UTILITY BOX (SIZE & USE VARIES)
	OVERHEAD SERVICE WIRES
	EDGE OF PAVEMENT
	CURBING (TYPE VARIES)
	LIGHT POLE
	440' CONTOUR (see survey note 7)
	STONE/MASONRY RETAINING WALL

ZONING DATA - R-44 (SEC. 3.0.2.A)

GENERAL PROVISIONS	PERMITTED	EXISTING
a. MINIMUM LOT AREA	43,560 Sq. Ft.	12,491± Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0'	130.79'
c. MINIMUM FRONT YARD	40.0'	18.7±
d. MINIMUM SIDE YARD	20.0'	69.1±(c) -1.2±(w)
e. MINIMUM REAR YARD	50.0'	44.2±
f. MAXIMUM HEIGHT	35.0'	13.0±
g. MAXIMUM BUILDING AREA	20% (2,499 Sq.Ft.)	9.7%
h. MAXIMUM IMPERVIOUS SURFACES	25% (3,124 Sq.Ft.)	28.0% (3,495 Sq.Ft.)

PROPOSED BUILDING AREA = 12.0%
PROPOSED IMPERVIOUS SURFACES = 29.8%



OWNERSHIP NOTES:

- OWNER OF RECORD: **JEFFREY S. HURWITZ and TERRY M. HURWITZ**
VOL.519 PG.652 OF THE N.F.L.R.
PARCEL 1 - LOTS NO. 29, 30 & 31
PARCEL 2 - LOTS NO. 32, 33 & 34

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 AND TOPOGRAPHICAL ACCURACY T-2.
- MONUMENTATION FOUND OR SET DEPICTED HEREON.
- REFERENCE MADE TO MAP NOS. 183, 1027, 1222, 1904, 2037 AND 3123 OF THE NEW FAIRFIELD LAND RECORDS.
- ELEVATIONS DEPICTED HEREON REFER TO ROCKY RIVER DATUM.
- SUBJECT TO RESTRICTIONS OF HOLLYWYLE PARK DEVELOPMENT RECORDED IN VOL.12 PG.231 OF THE N.F.L.R.
- UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST WITHIN THE AREA DEPICTED, THE EXISTENCE OF WHICH ARE UNKNOWN TO SYDNEY A. RAPP LAND SURVEYING, P.C. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 811 or 1-800-922-4455.
- 440' CONTOUR DEPICTED HEREON ESTABLISHED FROM CONNECTICUT LIGHT & POWER COMPANY, ROCKY RIVER HYDRO-ELECTRIC DEVELOPMENT BLACK/WHITE PLATE C7, EXHIBIT C MAPPING AND MAP NO.183 OF THE NEW FAIRFIELD LAND RECORDS.
- REFERENCE TIE LINE BETWEEN POINT A - POINT B - N59°45'15"E - 105.91.
- SUBJECT TO VARIANCE GRANTED AND RECORDED IN VOL.200 PG.752 OF THE N.F.L.R. (APPEAL #14-90)
- IMPROVEMENTS DEPICTED HEREON TAKEN FROM PLANS PREPARED BY KEANEY & CO. LLC DATED SEPTEMBER 1, 2022

*** 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

EXISTING/PROPOSED

IMPROVEMENT LOCATION SURVEY

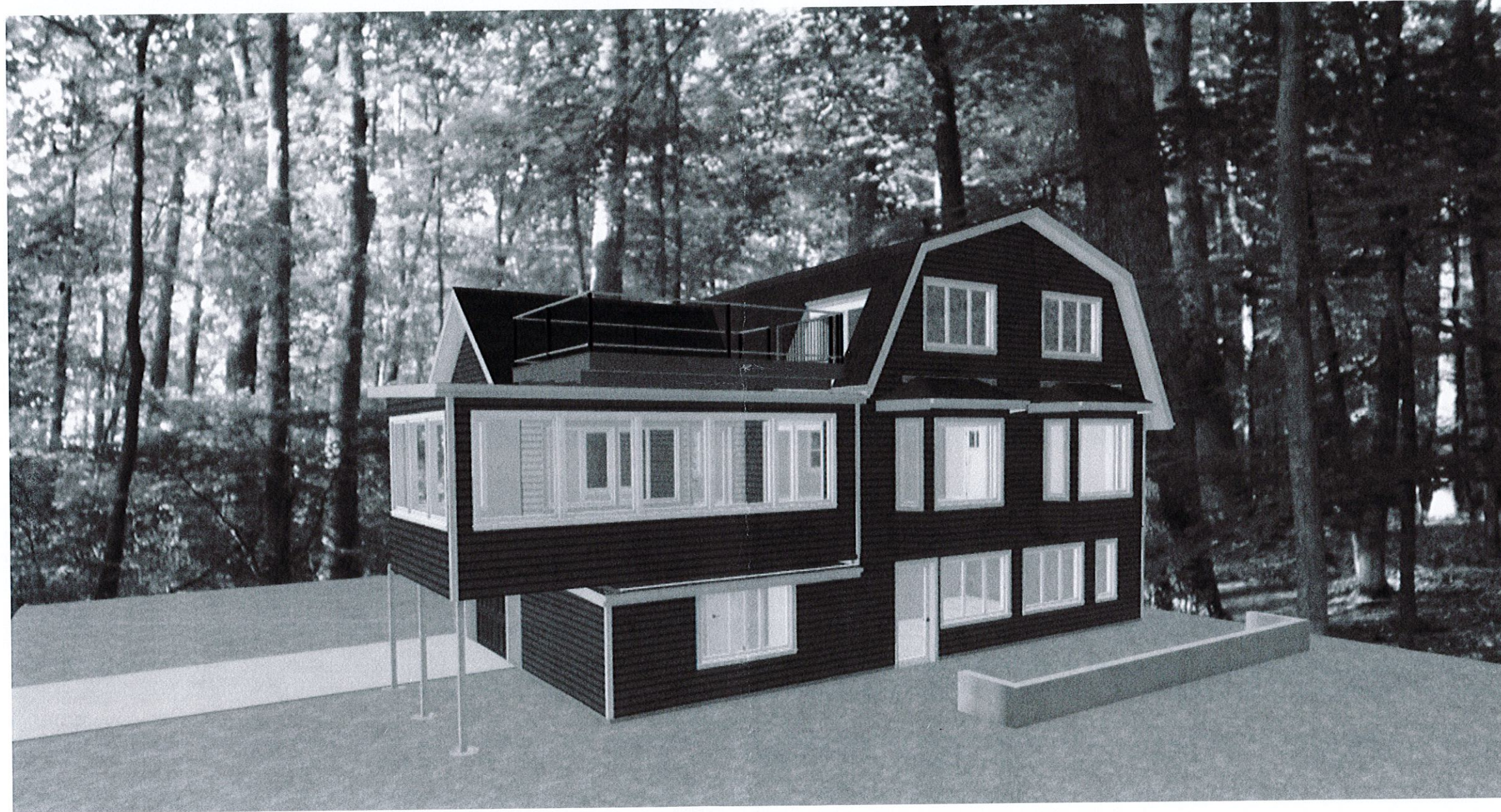
PREPARED FOR
JEFFREY S. HURWITZ and TERRY M. HURWITZ
DEPICTING PROPERTY SITUATED AT
9 CANDLEWOOD ROAD
NEW FAIRFIELD, CONNECTICUT
TAX ASSESSOR MAP 39 BLOCK 1 LOT 31-36

SCALE: 1"=20' ZONE: R-44
AREA: 12,491± Sq. Ft. DATE: MARCH 15, 2023
DRAWN BY: Z.S.R. DRAWING NAME: 22506-ILS.EP.23

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 S. RAPP LICENSE NO. 70420
NOT VALID WITHOUT A LIVE SIGNATURE AND EMBOSSED SEAL



Proposed Addition / renovation for;
Terry & Jeff Hurwitz
9 Candlewood Road, New Fairfield, Connecticut

All dimensions are to be verified in the field.

Proposed Addition / Renovation for;
Terry & Jeff Hurwitz
9 Candlewood Road, New Fairfield, Ct Sept 1, '22

KEANEY & CO LLC
7 Candlewood Hgts. New Milford, CT
203.948.6382 ~skdesigner@sbcglobal.net

SHEET NUMBER
1
REVISION #:



REAR ELEVATION



LEFT-SIDE ELEVATION

All dimensions are to be verified in the field.

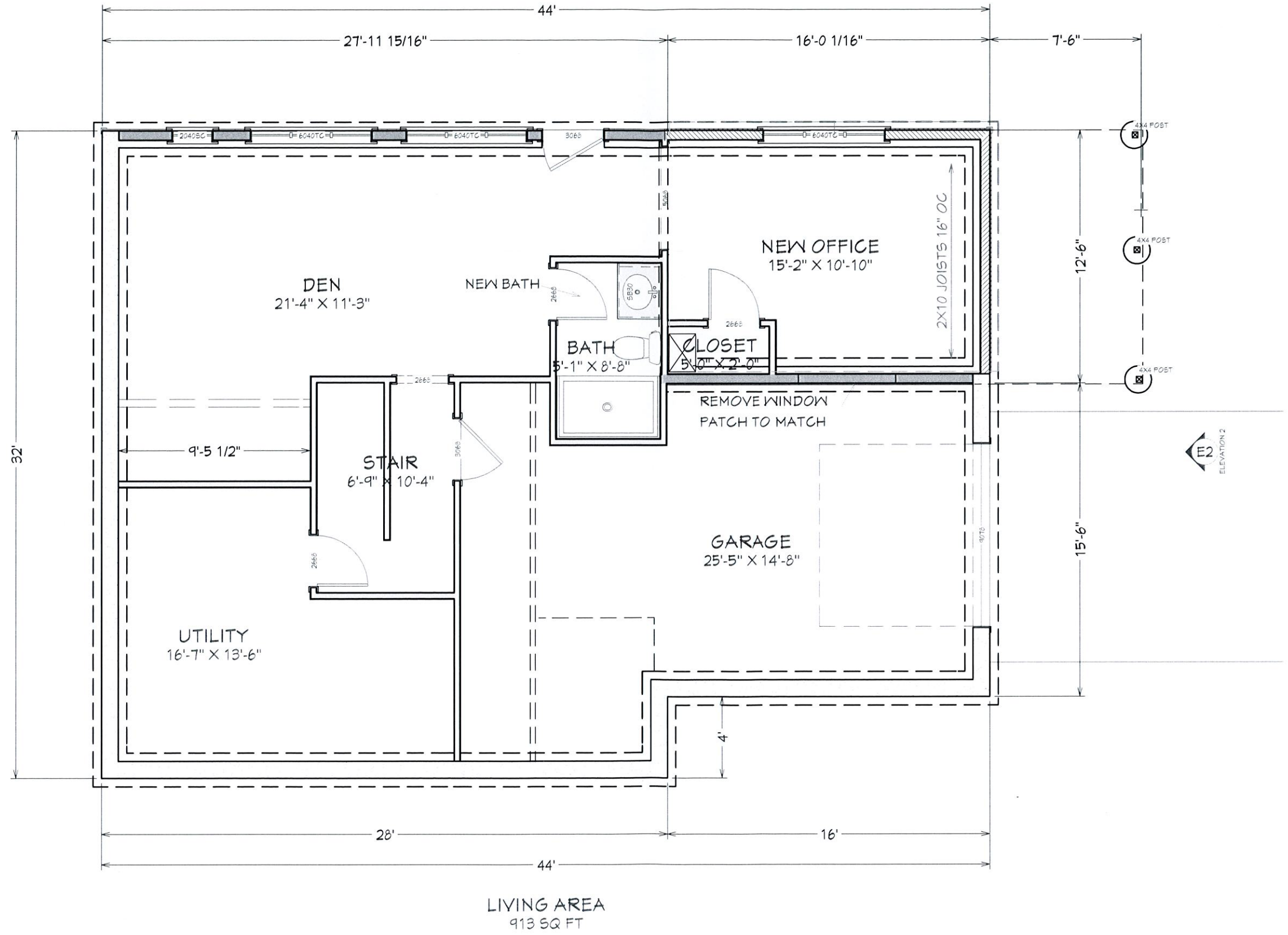
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SHEET NUMBER

2

REVISION #:



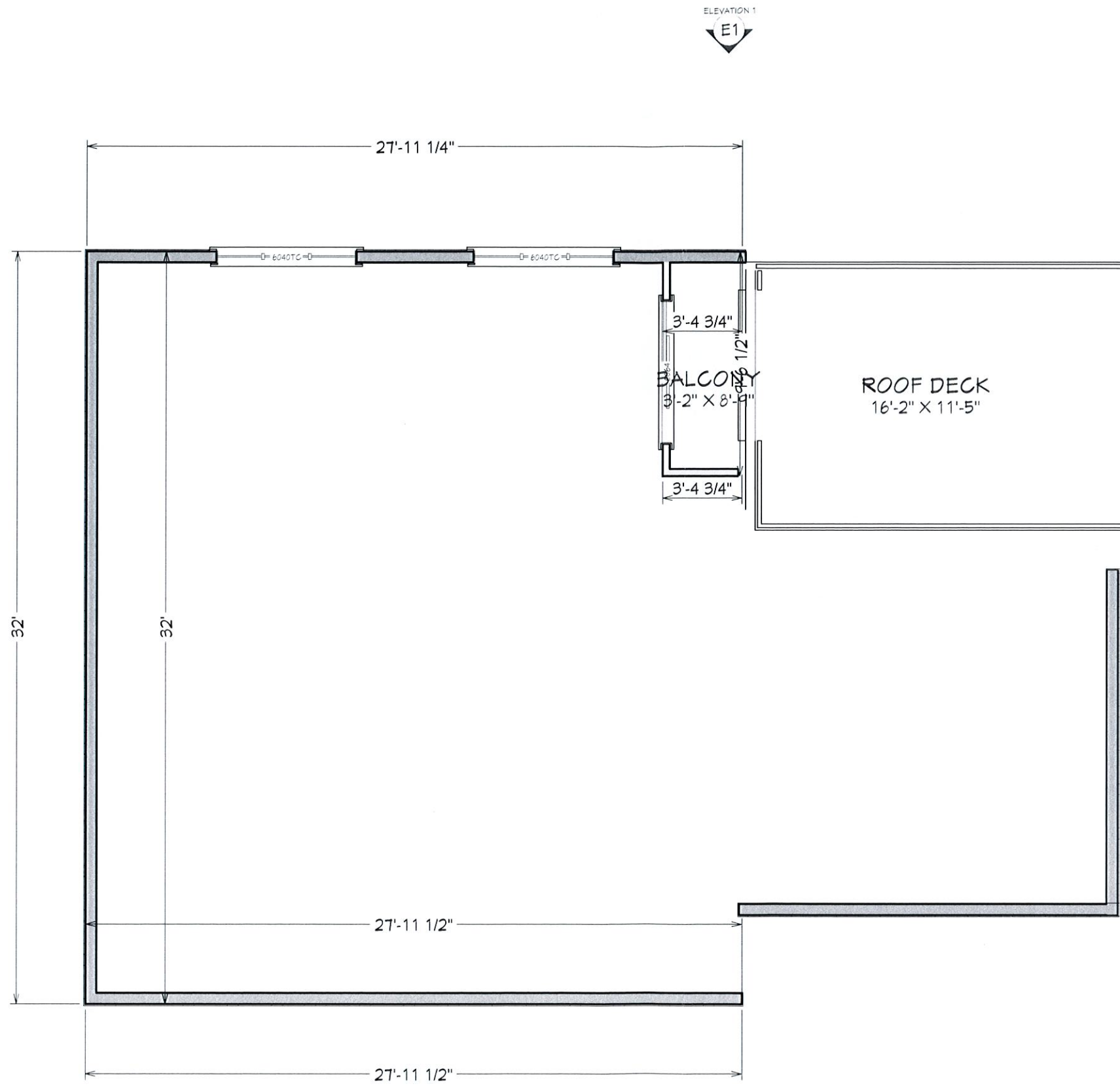
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SHEET NUMBER	3
REVISION #:	

PROPOSED LOWER LEVEL FLOOR PLAN
 Scale 3/16" = 1'-0"



PROPOSED SECOND FLOOR PLAN
Scale 3/16" = 1'-0"

All dimensions are to be verified in the field.

Proposed Addition / Renovation for;
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SHEET NUMBER	5
REVISION #:	