

APPLICATION OR APEAL#: 11-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Lucimeire Mamean
Mailing Address: 2 Eret Dr. New Fairfield 06812
Phone#: 203 558 0244
Email: Lucimeire Mamean @ gmail.com

2) Premises located at: 22 Rocky Hill Rd on the (N S E W) side of the street
at approx. 2500+ feet (N S E W) from Short Woods Rd. (nearest intersecting road).

3) Property Owner Name: Nova Development LLC
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: Block No.: Lot No.:

5) Zone in which property is located: R-88 Area of Lot: 44,34 sq. Ft.

6) Dimensions of Lot: Frontage: 163 ft Average Depth: 325 ft.

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: Consider keeping the garage roof overhang that is over the setback line. (38.1) (38.1) setback → 40'

Hardship: Due to the challenges of pushing the building back. The area blasted for the construction was determined taking into consideration

11) Date of Zoning Commission Denial: 4/25/23 / the impact it will cause on the height of the

12) Variance(s) Requested: () USE () DIMENSIONAL building, driveway path, and access to the water well.

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

Setbacks Requested: Front to: 40' to 38' Rear to: 38' NA
Side to: 44' (5) 20' NA Side to: 20' (11) 20' NA

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: Lucimeire Mamean DATE: 4/20/2023



**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: April 25, 2023

PROPERTY OWNER: Nova Development LLc.

PROPERTY ADDRESS: 22 Rocky Hill Road

APPLICANT/AGENT: Lueimeire Mompean

MAILING ADDRESS: 2 Evet Drive

ZONING DISTRICT: R-88 **MAP:** 10 **BLOCK:** 19 **LOT:** 9

Please be advised that the applicant would like to consider keeping the garage roof overhang that is over the setback line sitting at 38.1' (See Noncompliance).

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

Sections:

3.1.5-Minimum Lot Area & Frontage (A)

3.1.6-Minimum Building or Structure Setbacks (A)

3.1.11-Minimum Lot Dimensions

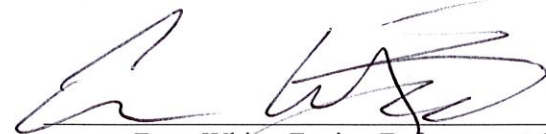
7.1.1.1-Improved Lots in Validated Subdivision or Recorded Subdivision and Resubdivision (A+B)

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

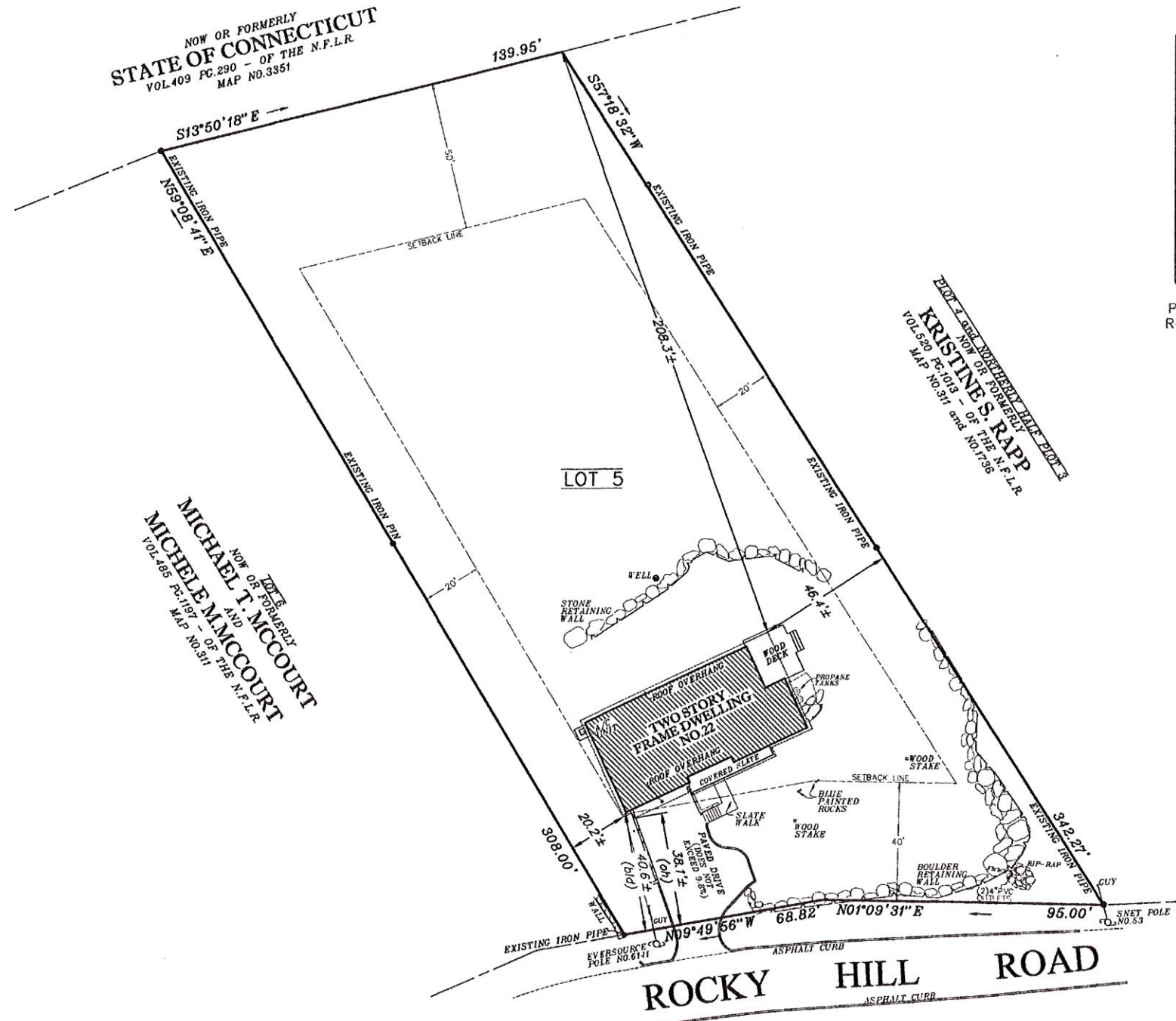


NOW OR FORMERLY
STATE OF CONNECTICUT
VOL.409 PG.290 - OF THE N.F.L.R.
MAP NO.3351

SEE SURVEY NOTE 6

ZONING DATA - R-44 (SEC.3.0.2.A)		
GENERAL PROVISIONS	PERMITTED	EXISTING
a. MINIMUM LOT AREA	43,560 Sq. Ft.	44,341 Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0'	163.82'
c. MINIMUM FRONT YARD	40.0'	38.1'±
d. MINIMUM SIDE YARD	20.0'	20.2'±(n) 46.4'±(s)
e. MINIMUM REAR YARD	50.0'	208.3'±
f. MAXIMUM HEIGHT	35.0'	17.4'±
g. MAXIMUM BUILDING AREA	20% (8,712 Sq.Ft.)	4.8% (2,127 Sq.Ft.)
h. MAXIMUM IMPERVIOUS SURFACES	25% (10,690 Sq.Ft.)	8.6% (3,813 Sq.Ft.)

PROPERTY LOCATED IN R-88 ZONE BUT IS A PRE-EXISTING NON IN THE R-44 ZONE PER CHAPTER 7 OF THE ZONING REGULATIONS CONFORMING LOT AND CAN USE THE SETBACKS, ETC. ALLOWED



NOW OR FORMERLY
MICHAEL M. MCCOURT
VOL.495 PG.107 - OF THE N.F.L.R.
MAP NO.311

NOW OR FORMERLY
KRISTINE'S RAPP
VOL.520 PG.1019 - OF THE N.F.L.R.
MAP NO.371 and NO.736

OWNERSHIP NOTES:
1. OWNERS OF RECORD: NOVA DEVELOPMENT, LLC
VOL.562 PG.808 OF THE N.F.L.R.

- 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.
 - MONUMENTATION FOUND OR SET DEPICTED HEREON.
 - REFERENCE MADE TO MAP NOS. 311, 1736, 3179 & 3351 OF THE N.F.L.R.
 - REFERENCE MADE TO PLAN TITLED "SITE/SEPTIC PLAN LOT 5 #22 ROCKY HILL ROAD NEW FAIRFIELD, CT" DRAWING NO.02075-R2 DATED 3/28/18 REVISED THROUGH 2/23/22 PREPARED BY MICHAEL J. MAZZUCCO, P.C.
 - SUBJECT TO COVENANTS, RESTRICTIONS, RIGHTS OF WAY, RIGHTS AND PRIVILEGES RECORDED IN VOL.114 PG.426 OF THE NEW FAIRFIELD LAND RECORDS.
 - SUBJECT TO VARIANCE GRANTED AND RECORDED IN VOL.292 PG.1037 OF THE NEW FAIRFIELD LAND RECORDS.
 - SUBJECT TO NOTES AND NOTATIONS AS DEPICTED ON MAP NOS.311 AND 3179 OF THE NEW FAIRFIELD LAND RECORDS.
 - THE INTENTION OF THIS MAP IS TO DEPICT EXISTING AS-BUILT CONDITIONS.

*** IMPORTANT ***
LOCATION OF UNDERGROUND UTILITIES DEPICTED HEREON ARE APPROXIMATE. NO WARRANTY OR GUARANTEE OF LOCATION MADE.
PRIOR TO ANY CONSTRUCTION OR EXCAVATION CONTACT "CALL BEFORE YOU DIG" 811 or 1(800)922-4455

AS-BUILT

IMPROVEMENT LOCATION SURVEY

PREPARED FOR
NOVA DEVELOPMENT, LLC
DEPICTING PROPERTY SITUATED AT
22 ROCKY HILL ROAD
NEW FAIRFIELD, CONNECTICUT
TAX ASSESSOR MAP 10 ~ BLOCK 19 ~ LOT 9

15' 0 75' 150'

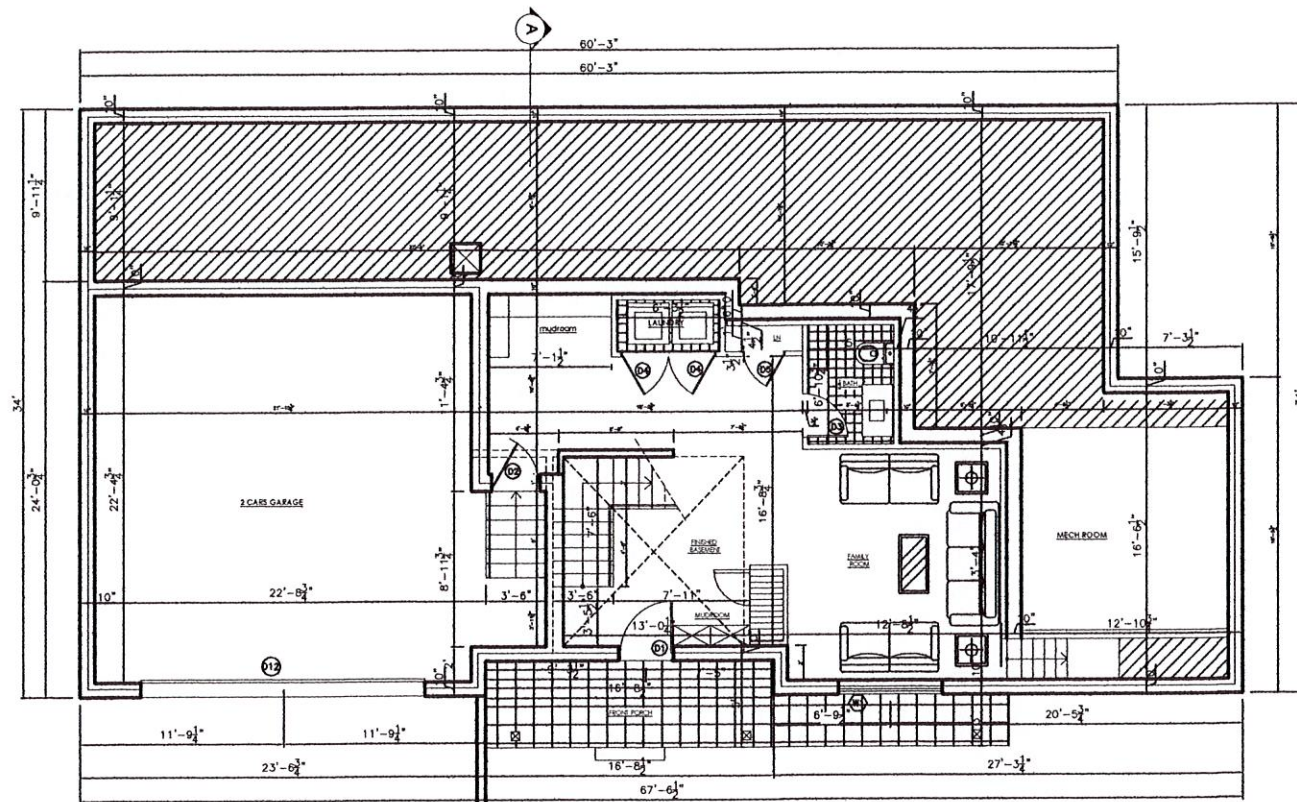
SCALE: 1"=30'	ZONE: R-88
AREA: 1.108 ACRES	DATE: APRIL 3, 2023
DRAWN BY: DPR	DRAWING NAME: 21388-ILS.AB

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

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

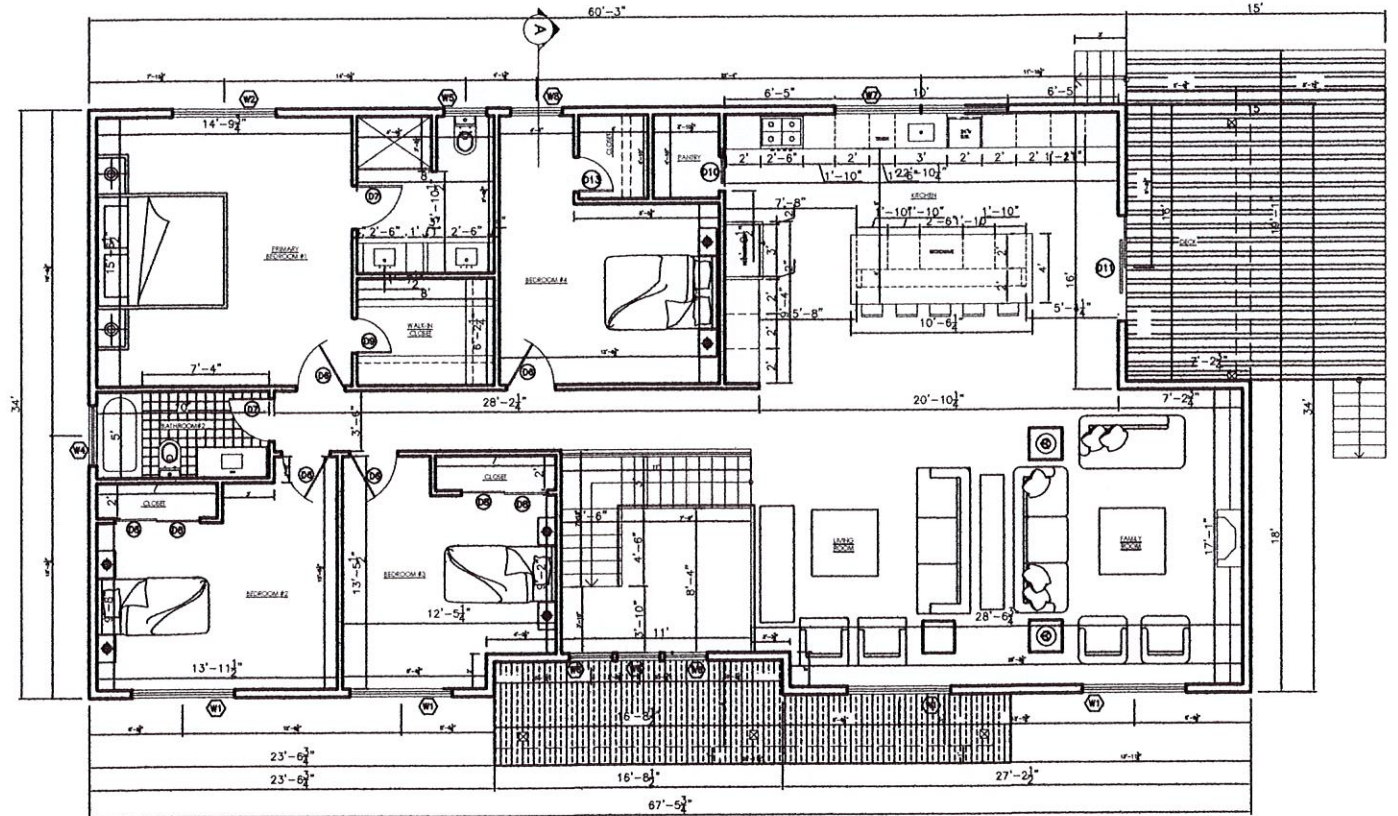
ZACHARY S. RAPP LICENSE NO.70420
NOT VALID WITHOUT A TRUE SIGNATURE AND EMBOSSED SEAL

SU 74-108

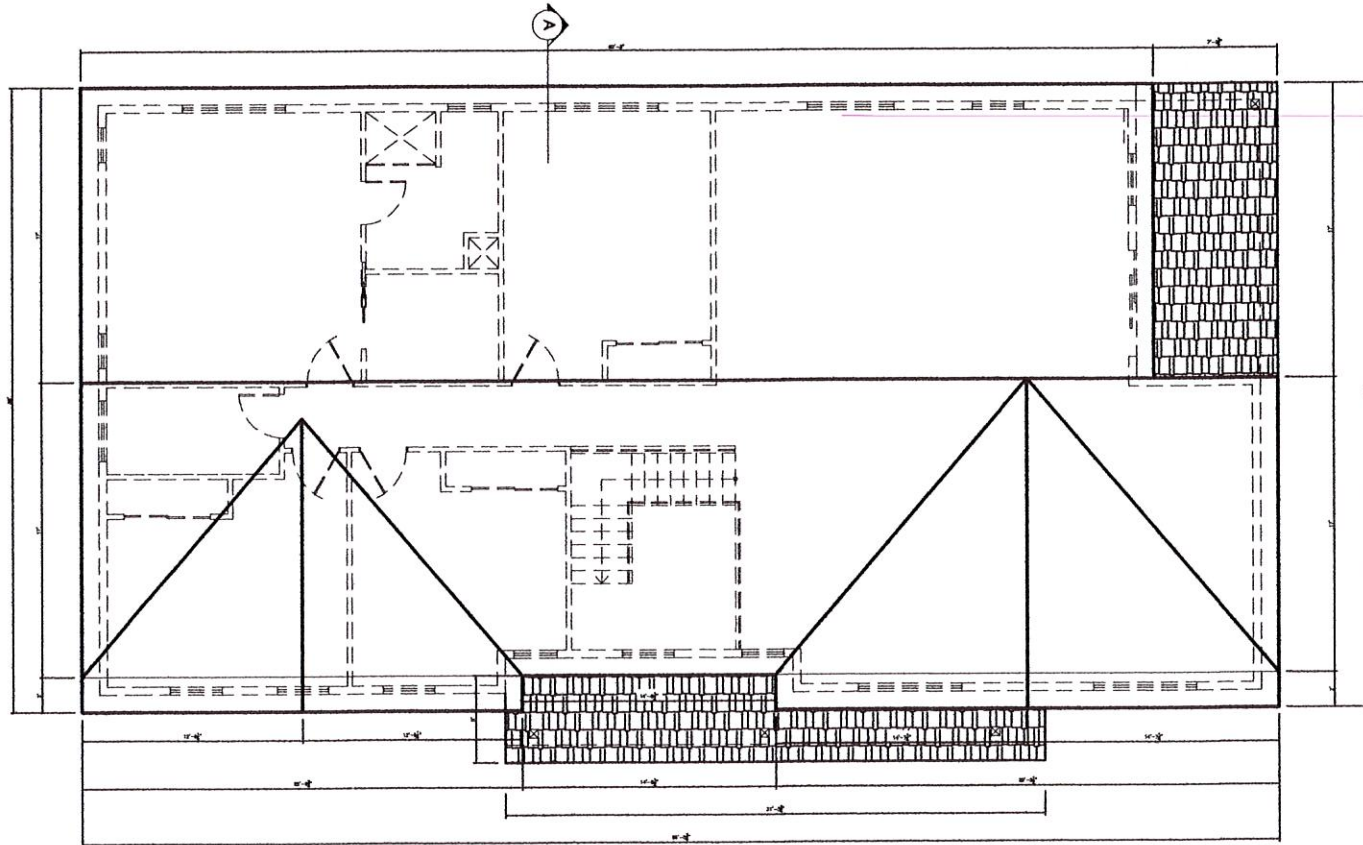


BASEMENT PLAN
SCALE: 1/4" = 1'-0"

1ST FLOOR LIVING SPACE = 620 sf
2ND FLOOR LIVING SPACE = 2,095 sf
TOTAL = 2715sf
GARAGE = 590 SF



1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



ROOF PLAN
SCALE: 1/4" = 1'-0"

DOOR SCHEDULE					
UNITS	SIZE	FRONT DOOR BASEMENT	INSULATED	SIDE	
01	36 in. x 80 in.	FRONT DOOR BASEMENT	20min- FIRE RATED INSULATED	LEFT	
01	32 in. x 80 in.	GARAGE BASEMENT	20min- FIRE RATED INSULATED	LEFT	
02	36 in. x 80 in.	BATH BASEMENT	INTERIOR DOOR	RIGHT	
02	30 in. x 80 in.	LAUNDRY BASEMENT	INTERIOR DOOR	1 RIGHT / 1 LEFT	
01	36 in. x 80 in.	LIN BASEMENT	INTERIOR DOOR	LEFT	
04	32 in. x 80 in.	BEDROOM 1ST FLOOR	INTERIOR DOOR	2 RIGHT / 2 LEFT	
02	36 in. x 80 in.	BEDROOM 1ST FLOOR	INTERIOR DOOR	1 RIGHT / 1 LEFT	
04	30 in. x 80 in.	CLOSET 1ST FLOOR	PANEL CLOSET DOOR		
01	36 in. x 80 in.	walk-in CLOSET 1ST FLOOR	POCKET DOOR	RIGHT	
01	36 in. x 80 in.	PANTRY 1ST FLOOR	POCKET DOOR		
01	72 in. x 80 in.	KITCHEN 1ST FLOOR	EXTERIOR SLIDING DOOR		
01	18 feet x 7 feet	GARAGE BASEMENT	INSULATED GARAGE DOOR		
01	36 in. x 80 in.	walk-in CLOSET 1ST FLOOR	INTERIOR DOOR	RIGHT	

WINDOW SCHEDULE					
units	Position	ROUGH OPENING	EXACTLY SIZE	REMARKS	
06	(01)	SEE MFR'S SPECIFICATIONS	72 x 60 in Double Hung	(EGRESS)	
01	(01)	SEE MFR'S SPECIFICATIONS	72 x 60 in Double Hung	(EGRESS)	
01	(04)	SEE MFR'S SPECIFICATIONS	42 x 24 in Sliding	(TEMPER)	
01	(05)	SEE MFR'S SPECIFICATIONS	30 x 40 in Double Hung	(TEMPER)	
03	(06)	SEE MFR'S SPECIFICATIONS	30 x 48 in Double Hung		
01	(07)	SEE MFR'S SPECIFICATIONS	120 x 40 in Double Hung		
01	(08)	SEE MFR'S SPECIFICATIONS	36 x 60 in Double Hung	(EGRESS)	

3000 DH NEW CONST. SILVER LINE VINYL WINDOW, HALF SCREEN, NO GRID

- WINDOW NOTES**
- AS PER 2015 IRC - SECTION R310.1.1: EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE EMERGENCY ESCAPE AND RESCUE OPENING WITH A MINIMUM NET CLEAR OPENING OF 5.7 SF. EXCEPTION: GRADE FLOOR OPENINGS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SF, WITH A MINIMUM NET REQUIRED CLEARANCE OF 20" WIDTH AND 24" HEIGHT. IN EXISTING BUILDINGS UNDERGOING ALTERATION OR INSTALLATION OF REPLACEMENT WINDOWS IT SHALL BE PERMITTED TO UTILIZE REMOVABLE SASH WINDOWS TO ACHIEVE THE REQUIRED MIN. CLEAR OPENINGS FOR EGRESS.
 - EMERGENCY ESCAPES AND RESCUE OPENINGS SHALL BE OPERATIONAL FROM THE INSIDE OF THE ROOM WITHOUT THE USE OF KEYS, TOOLS OR SPECIAL KNOWLEDGE.
 - WINDOWS PERFORMANCE DATA:
U-FACTOR: L6E = 0.32 W/ AROON GAS FILL SHGC: L6E = 0.32
DP-RATING = DP-50
 - AS PER 2015 IRC SECTION R312.2 - WINDOW SILL SHALL NOT BE LESS THAN 24" ABOVE FIN. FLOOR IF WINDOW SILL IS MORE THAN 72" ABOVE EXTERIOR FINISH GRADE.
EXCEPTIONS:
A) THE OPERABLE SECTION OF THE WINDOW SHALL NOT ALLOW THE PASSAGE OF A 4" DIAMETER SPHERE.
B) OPENING IS PROVIDED WITH FALL PREVENTION DEVICE THAT COMPLIES WITH ASTM F 2090
C) WINDOW IS PROVIDED WITH OPENING CONTROL DEVICE THAT COMPLIES WITH 2015 IRC R312.2.2
 - WINDOWS AND EXTERIOR DOORS SHALL BE TESTED AND LABELED TO WITHSTAND A MIN. OF 130 MPH WIND LOAD.
 - SPACE BETWEEN WINDOW & DOOR JAMBS AND FRAMING SHALL BE SEALED WITH NON-EXPANDING INSULATION AND CAULK OR BACKER ROD AND CAULK.

- MECHANICAL NOTES**
- NEW FURNACE TO BE HIGH EFFICIENCY GAS DIRECTED VENTED UNIT, AND SHALL BE INSTALLED AS PER MFR'S RECOMMENDATIONS
 - GAS DIRECTED VENTED WATER HEATER TO BE INSTALLED AS PER MFR'S RECOMMENDATIONS

- GENERAL NOTES**
- AS PER 2015 IRC SECTION R302.7 - UNDER STAIR PROTECTION: ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYPSUM BOARD.
 - ALL WINDOWS AND EXTERIOR DOORS INCLUDING GARAGE OVERHEAD DOOR TO BE CERTIFIED AND LABELED BY MANUFACTURE WITH DESIGN PRESSURE RATING TO WITHSTAND 125 MPH WINDS.
 - AS PER 2015 IRC SECTION R319 - PREMISES IDENTIFICATION: APPROVED NUMBERS OR ADDRESSES SHALL BE PROVIDED FOR ALL NEW BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.
 - PRE-ENGINEERED LUMBER COMPANY SHALL PROVIDE SHOP DRAWINGS WITH ALL LOAD CALCULATIONS FOR PERMIT PRIOR TO INSTALLATION. (IF APPLICABLE)
 - PROVIDE METAL JOIST HANGER AT ALL FLUSH CONNECTIONS
 - ANY SPACE BETWEEN WINDOW & DOOR JAMBS AND FRAMING, AT EXTERIOR WALLS, ARE REQUIRED TO BE SEALED BY EITHER CAULK OR BACKER ROD.
 - SHOWER/TUB ON EXTERIOR WALL - EXTERIOR WALLS ADJACENT TO SHOWERS AND TUBS SHALL BE INSULATED AND THE AIR BARRIER INSTALLED SEPARATING THEM FROM THE SHOWER AND TUBS. INSTALL DRAFT STOP SHEATHING BEHIND SHOWER AND TUBS ON EXTERIOR WALLS.
 - CHEMICAL THERMISTODE TREATMENT SHALL BE PROVIDED AND SHALL INCLUDE SOIL AND OR FELD APPLIED WOOD TREATMENT. APPLICATION AND METHOD OF TREATMENT OF THE CHEMICAL THERMISTODE SHALL BE IN STRICT ACCORDANCE WITH THE THERMISTODE MFR'S LABEL.

- BATHROOM NOTES**
- INTERIOR WALLS FOR CERAMIC TILE INSTALLATION, PROVIDE MULTI + WONDERBOARD, SUCH AS SHOWER TUB SURROUNDS IN DRY AREAS USE 1/2" W/R GYPSUM BOARD.
 - FLOOR FOR CERAMIC TILE INSTALLATION - FLOOR + WONDERBOARD OVER FLYWOOD SUB-FLOOR.
 - BATHROOM EXHAUST FAN DUCTED TO OUTSIDE PROVIDE WEATHER CAP.
 - SHOWER LIGHT AND LIGHTING ABOVE WHIRLPOOL SHALL BE VAPOR PROOF (IF APPLICABLE)
 - PROVIDE WHIRLPOOL MOTOR SERVICE PANEL (IF APPLICABLE)

REVISIONS	DATE
R1	2/28/2022
R2	new plans - adapted 9/5/2022

CONSTRUCTION DOCUMENTS

NEW RESIDENTIAL CONSTRUCTION

22 ROCHEY HILL RD, NEW FAIRFIELD CONNECTICUT, 06812

OWNER
OLINTO NOGUEIRA

ISSUE DATE
OCT.2021

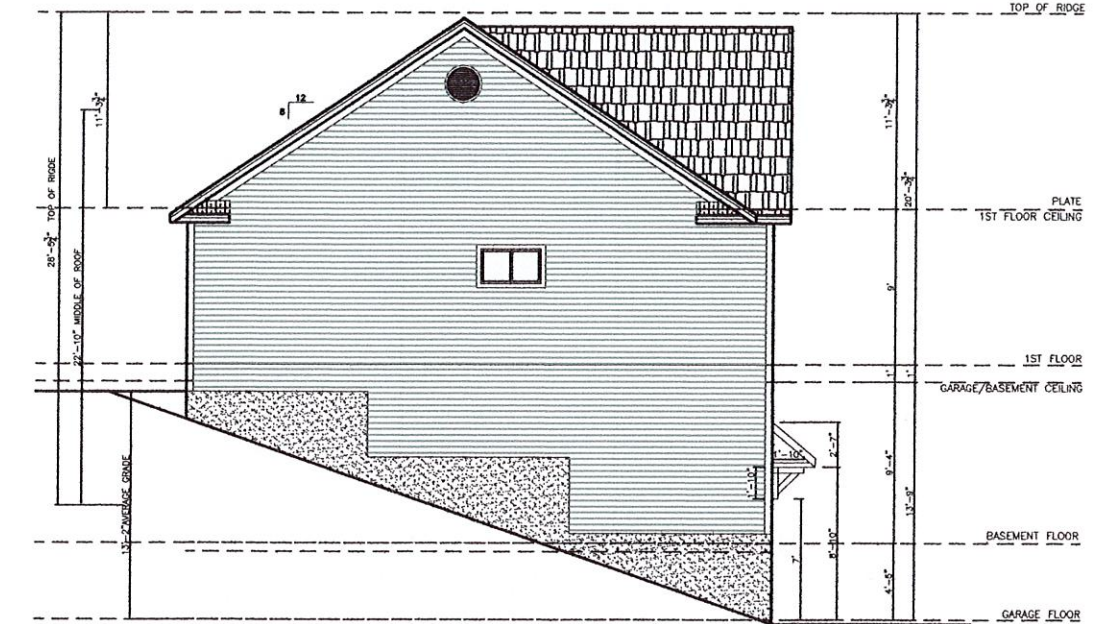
ZONE

SCALE
As indicated

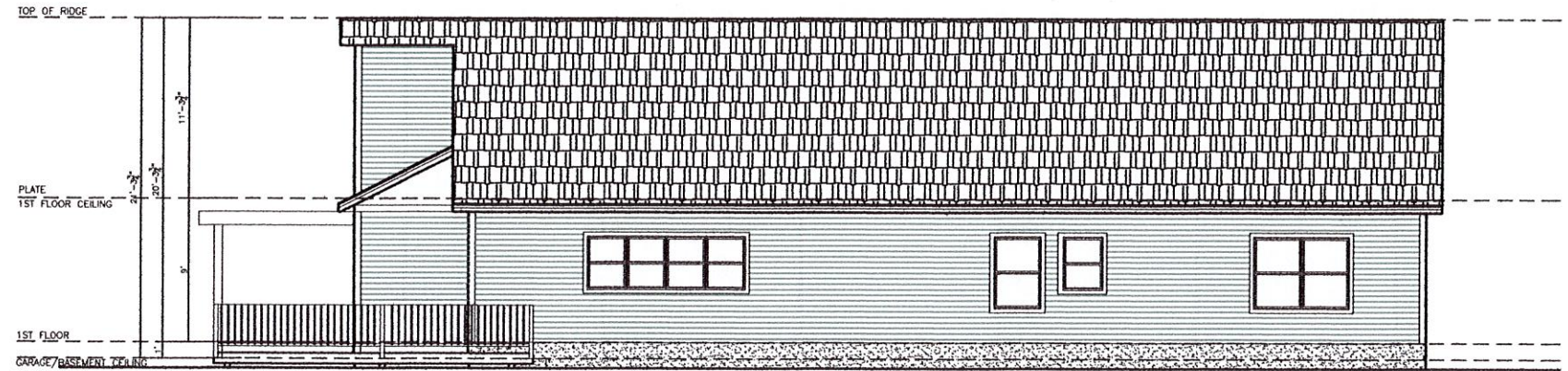
SHEET NUMBER



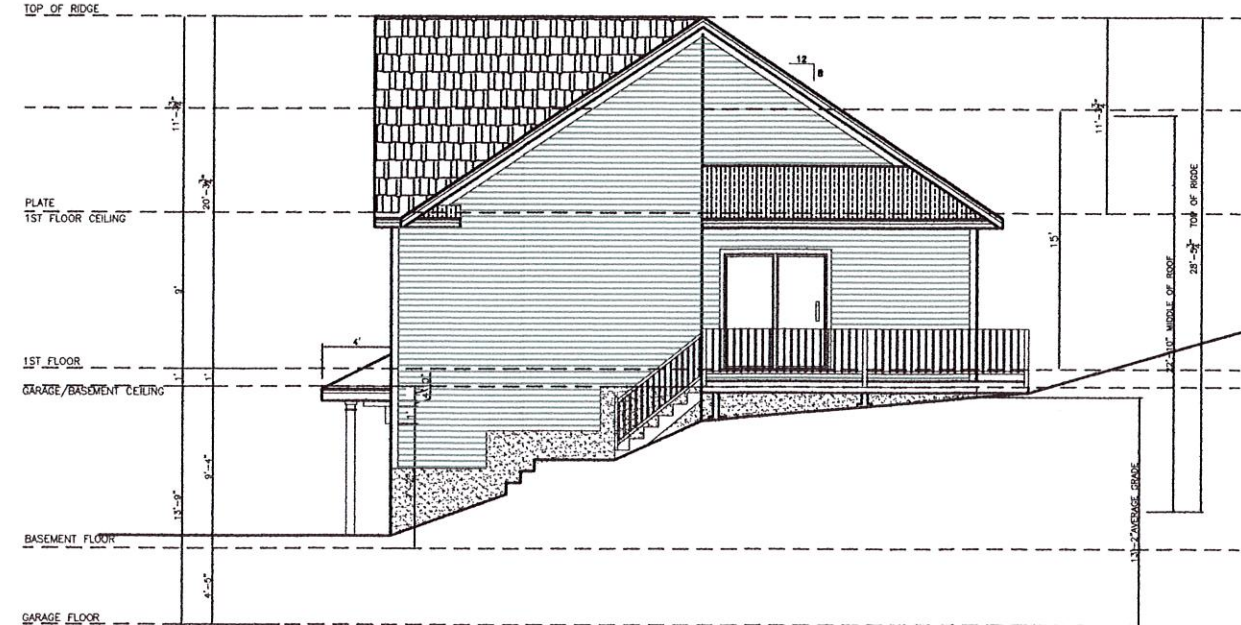
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



REAR ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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