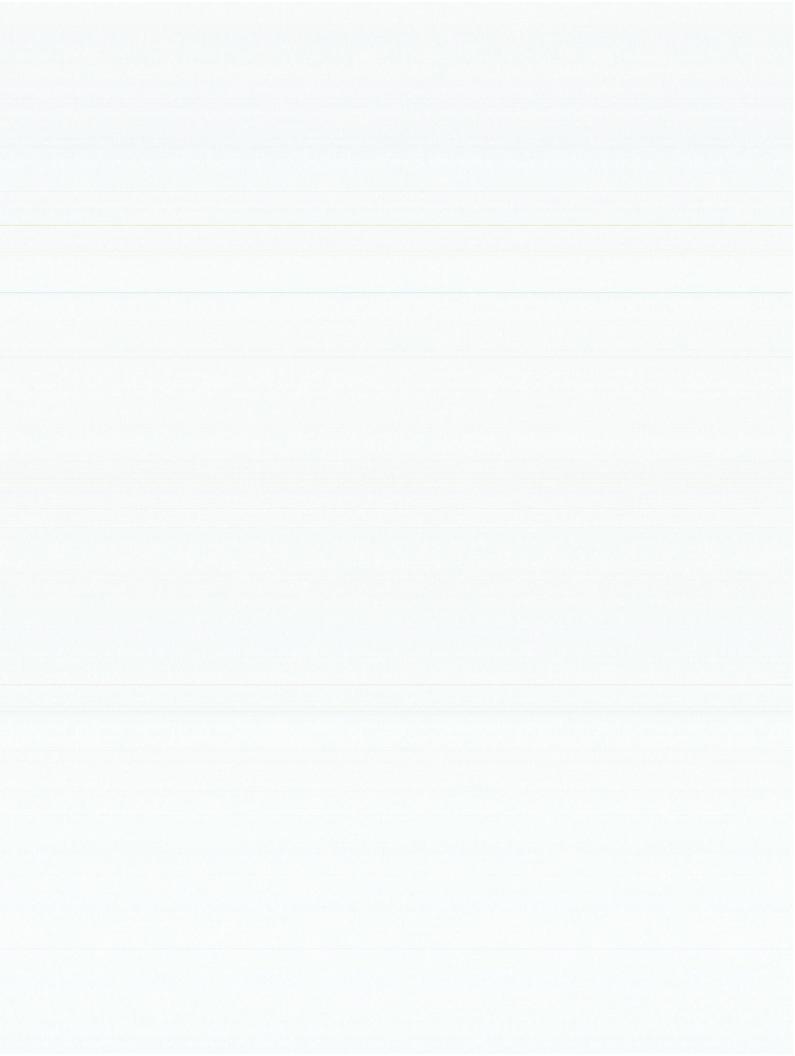
APPLICATION OR APEAL#: 20-23

Please check appropriate box(es) VarianceAppeal of Cease & Desist  1) Applicant:	APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS
Mailing Address: Prox 669  Email: StippMAN_CT CO184 Phones: (203)470-7408  Email: Commission on the (NSE W) side of the street at approx. V4 HIVE feet (NSE W) from Sul HAPEUR DAVE (nearest intersecting road).  3) Property Owner Name: CHAPLES PEOPASI : VIVIEN FRANCES TRUET  Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT  4) Tax Assessor Map No.: Block No.: Lot No.: S  5) Zone in which property is located: P-44 Area of Lot: E9, 2058 (1.366405)  6) Dimensions of Lot: Frontage: BB on All De sac Average Depth: + 280 PT.  7) Do you have any Right of Ways or Easements on the property?  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; VAPIANE APPAVAL GRANTED  If so, give dates and application numbers: APPAVATOR NOTO AUGUST ON BUTNESS. FILED  10) Proposal for which variance is requested: PRUEF PROLECTED TO CAUSTRALE FILED.  10) Proposal for which variance is requested: PRUEF PROLECTED TO CAUSTRALE A 20 CREAT PERPONA  PROLECTION FROM HOUSE TO PROLED PAPTAL SHORES PARA SCHIERT NOTO AUGUST OF THE PROLECTION PAPAL TO PRUEF PROLECTION PROPERTY AFEA FOR FOLE OF PROLED PAPTAL A PROCESSING PROPERTY AFEA FOR FOLE OF PROLED PAPTAL A PROCESSING PROPERTY PAPAL A PROPERTY AFEA FOR FOLE OF PROLED PAPTAL A PROCESSING PAPAL TO PROPERTY AFEA FOR FOLE OF PROLED PAPTAL A PROCESSING PAPER A PAPAL TO SIDE OF PAPAL TO PROME SIDE OF PAPAL TO PROME SIDE OF PAPAL TO PROME SIDE OF PAPAL TO PAPAL	Please check appropriate box(es)VarianceAppeal of Cease & Desist
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# TOWN OF NEW FAIRFIELD ZONING REPORT

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan White, Zoning Enforcement Officer

**DATE:** June 27, 2023

PROPERTY OWNER: Charles Pedrani & Vivien Francis Trust

PROPERTY ADDRESS: 10 Heritage Island Road

**APPLICANT/AGENT:** Erich Diller-Evolve Design Group

MAILING ADDRESS: P.O. Box 669 Sherman, CT 06784

ZONING DISTRICT: R-44 MAP: 3 BLOCK: 3 LOT: 20

Please be advised that the applicant would like (See Application Proposal).

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)

3.0.9-Pergolas (A, B, C, D, E)

3.2.6-Minimum Building & Structure Setbacks (C)

7.1.1.1-Improved Lots in Validated Subdivision or Recorded Approved 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

# evolve design group, IIc

PO Box 669 Sherman, CT 06784 p. 860.354.2775 c. 203.470.7408

June 7, 2023

Zoning Board of Appeals Town of New Fairfield New Fairfield, CT 06810

Dear members of the New Fairfield Zoning Board of Appeals,

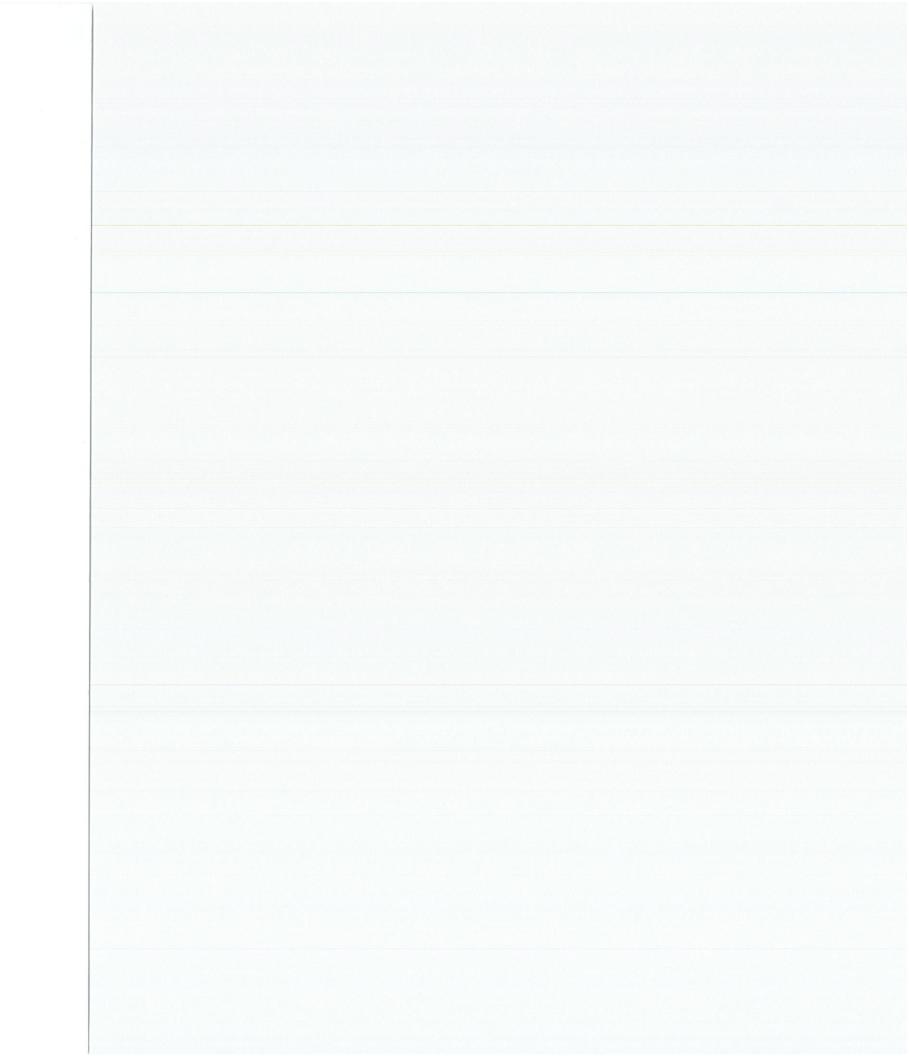
Thank you for considering and hearing our proposal. The current owners of the home, Vivien Francis and Charles Pedrani, purchased their home at 10 Heritage Island Road in Sail Harbour in 2018. The existing home, located in the R-44 Residential Zone, was built in 1994. The previous owners; Mr. and Mrs. Feinberg; applied for and received a variance for a pool in the rear yard. This approval was never filed as it seems the intention of applying for the variance was to demonstrate that a pool could be placed in the back yard to facilitate the sale of the house. The previous pool design was closer to the lake than the application if front of you. In fact, the 440 line shown from 2017 has been re-surveyed and agreed upon between Zack Rapp along with First Lights surveyor. The 400 line has actually moved slightly uphill and closer to house/further from lake. Original pool design and location (see attached site drawing) was shown 35 feet from the rear yard property line/440 line.

For the application in front of you, we are seeking approval and relief from the rear yard setback for a new pool design and location as well as a pergola. Please note that we have not changed our request for a reduction to 35 ft from the required 50 ft rear yard setback. But as previously stated, because the rear property line/440 line has moved uphill, our proposed pool and pergola is actually further away from the lake and closer to the house than the 2017 application. We have also designed the pool shape to fit as much within the setback lines as possible by creating an offset rectangular layout. We hope that these steps to create a more conforming pool footprint and layout will be looked at favorably as the hardship of a narrow and odd orientation of the house on the lot as well as the 440 line moving closer to the house has created an undue and unforeseen hardship for the current owners.

We are also asking for relief to construct a pergola that extends 20 ft from the house. We believe the regulation is outdated and overly restrictive as it does not take into account the size of the house, lot size, orientation to the sun and most importantly the intended use for a pergola as a shade structure. Other surrounding towns do not have size restrictions for pergola projections from a structure as long as they conform to building setbacks. The regulation does not specifically take into account the size of the structure it is extending from nor the proportion to that structure and a maximum height of 15 feet while only projecting 10 feet seems proportionately at odds.

Here are some specific issues that we believe reinforce this point:

1. The existing house has the rear façade facing the lake which is nearly due south. The intention of this pergola is to provide an outdoor living space that provides some shade relief from the southern exposure and strong sunlight due to the lack of shade providing trees. It is not intended to be just an aesthetic



architectural embellishment on the house. We believe that a fully covered porch would block incoming light to the existing rear façade of house. There is no restriction in the regulations on the size and depth of a completely covered rear porch; which effectively would provide the same purpose as this pergola; but would also block all incoming light to a portion of the house. We also feel that a covered roof/porch would be more obtrusive and less in keeping with the character of the house and spirit of the regulations to minimize the Building coverage.

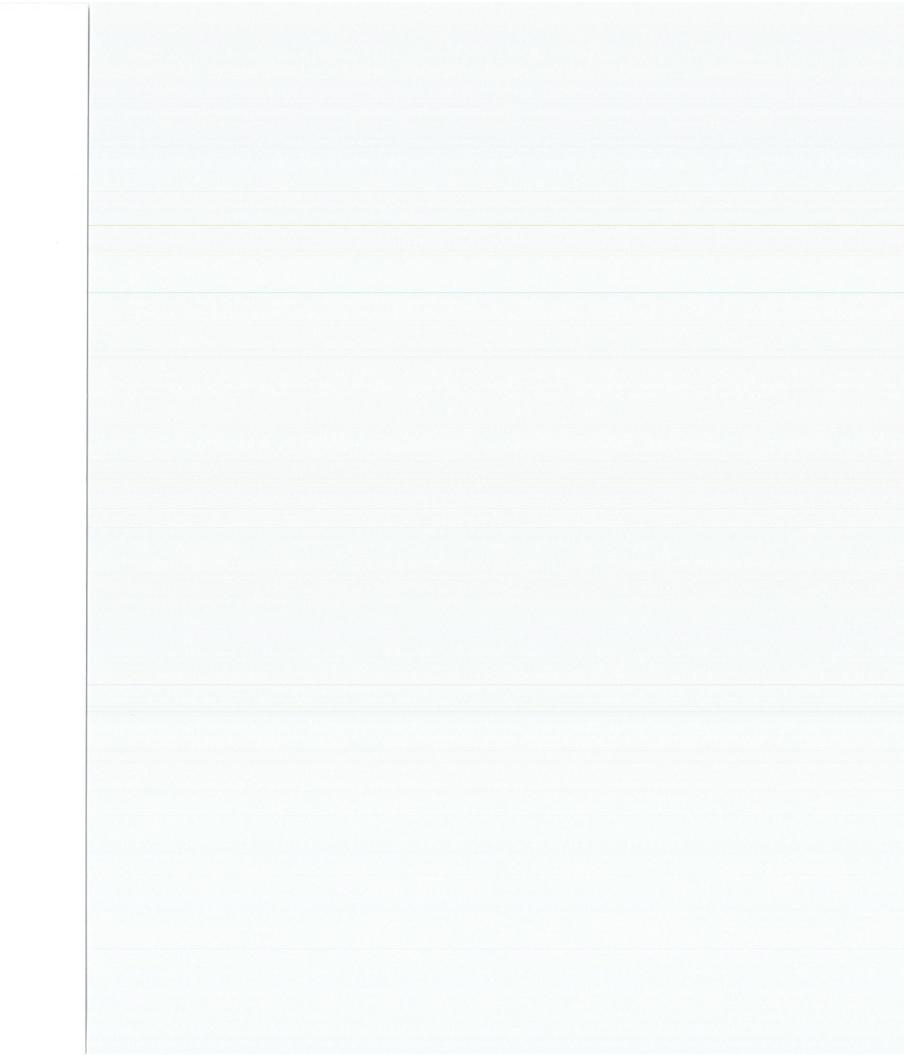
2. We are proposing a pergola with a maximum height of 11'-0" vs the allowable 15 foot height. The bottom of the closest horizontal member to the terrace below is 9 '-0" and due to the angle of the summer sun at its highest point; around 70° degrees above the horizon at 1:00 pm; a pergola with a 10 ft extension off a house and due south orientation will only provide 7 ft of actual shade. We believe that a 10 ft rule is both too general, as it does not take into account individual conditions such as orientation to the sun, and is also too restrictive as it does not serve the true purpose of a pergola as a partial shade structure for an outside sitting or dining area.

Thank you for your time and consideration.

Sincerely,

Erich J. Diller

Evolve Design Group Acting as Owners Agent



Charles Pedrani 10 Heritage Island Road Sail Harbour New Fairfield, CT 06812

June 5, 2023

To Whom it may concern,

As the property owner of 10 Heritage Island Road, New Fairfield CT, I hereby authorize Erich Diller of Evolve Design Group, LLC in Sherman CT; Mike Mazzuco of Michael J. Mazzuco, P.C. in Danbury, CT and Lou Yorio of LS Construction in New Fairfield, CT, to act on my behalf as my Agent(s) in all matters regarding the approvals and permitting process for our home addition and pool which they are designing and building respectively.

Sincerely,

Charles Pedrani - In trust

Arestali:

Leanis

Wien Francis 6/5/53

## 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: David and Carol Feinberg

PROPERTY LOCATED AT: 10 Heritage Island Road

ZONING DISTRICT: R-44; Map: 3; Block: 3; Lot: 20

**VARIANCE DESCRIPTION:** A Rear Setback to 35' to allow construction for an inground pool per the plans as submitted to the Zoning Board of Appeals on August 17, 2017.

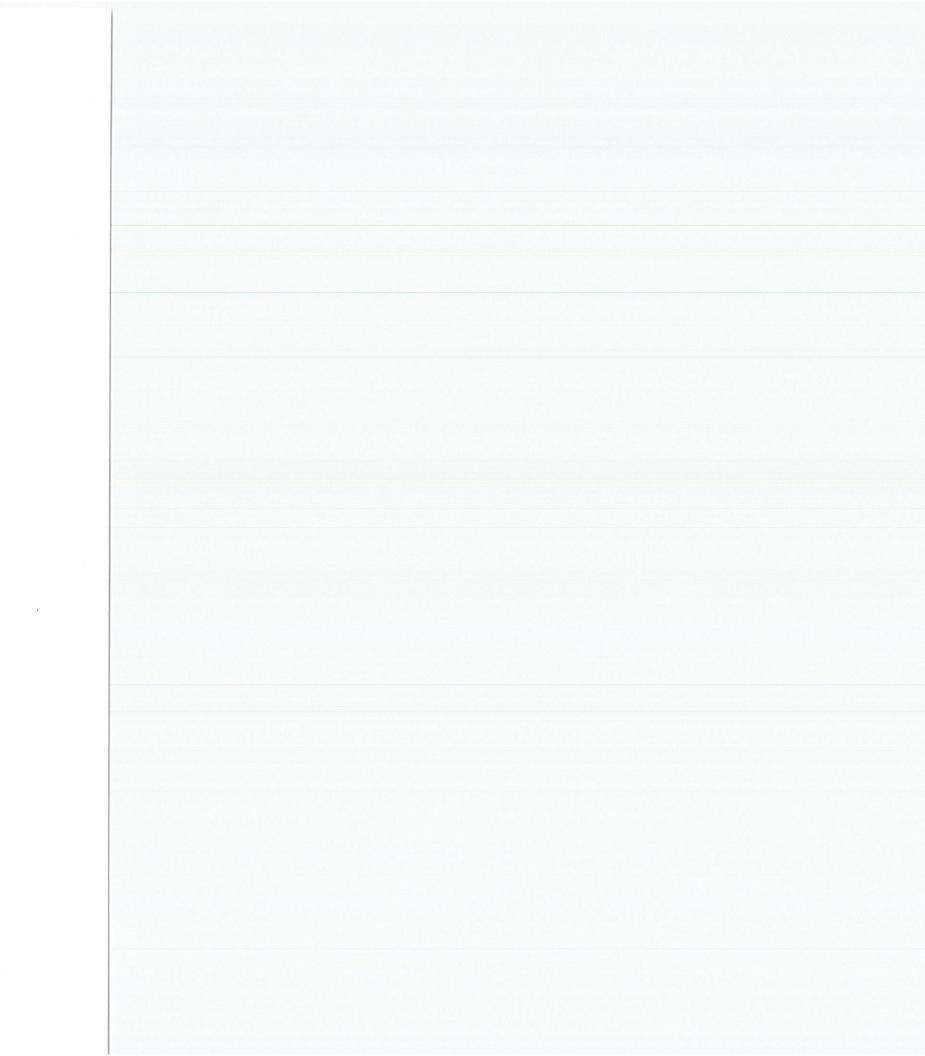
**ZONING SECTIONS VARIED**: 3.2.6C

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on: August 17, 2017

Application # 27-17

Dated: August 17, 2017





Zoning Board of Appeals August 17, 2017 Page 3 of 4

letter from Attorney Dennis P. McDonough, attorney for Ms. Cicerone and Ms. Arsan, was also read into the record requesting a continuance due to his unavailability on the evening of August 17, 2017. Vinny Mancuso made a motion to continue Appeal # 01-17, duly 2<sup>nd</sup>, approved 5-0.

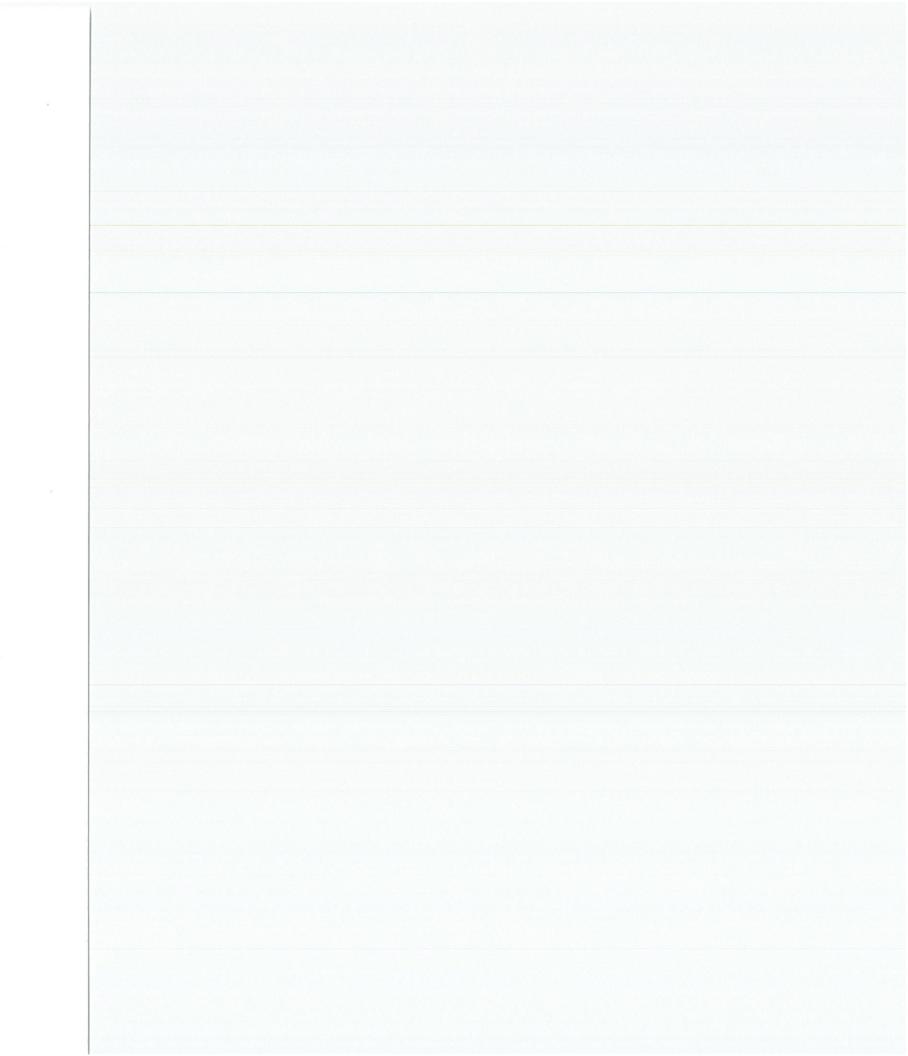
**Application # 26-17:** Williams, 17 Cloverleaf Drive, for variances to Zoning Regulations 3.0.4C1&2,F1&2 Minor Accessory Buildings and Structures, for the purpose of erecting a 16'x12' shed in front plane of property. Zoning District: R-88; Map: 13; Block: 4; Lot: 23.19.

John Apple made a motion to hear Application # 26-17, duly 2<sup>nd</sup>, approved 5-0. David Williams returned to the board. Mr. Williams explained that he had been previously granted a variance for the shed but in restaking the property lines found out that the area narrowed and a stone retaining wall would have to be excavated to construct the shed. Due to the topography of the area, the new proposal would locate the shed on the side of the driveway even with the garage not in the front plane of the property which would be easily accessible. Joe DePaul stated that he agreed with the applicant on the placement of the shed. Ann Brown commented that the lot was very steep. Joe DePaul asked how big the shed would be. Mr. Williams stated that the shed would be 16'x12' and 325 sq. ft. Joe DePaul referred to the Zoning Regulations and concurred that was the correct size for the lot. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul stated that he had no problems with the application. Joe DePaul made a motion to grant a variance to construct a shed in the side yard behind the front plane of the house; the hardship being the shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 27-17:** Feinberg, 10 Heritage Island Road, for variances to Zoning Regulations 3.2.6C Rear Setback to 35' for the purpose of building an in-ground pool. Zoning District: R-44; Map: 3; Block: 3; Lot: 20.

John Apple made a motion to hear Application # 27-17, duly 2<sup>nd</sup>, approved 5-0. Peter Young, agent for the Feinbergs, approached the board. Mr. Young stated that the lot was developed with the setback required for a pool and relied on the survey from the 440 line. Mr. Young explained that the 440 line has changed location since the house was built due to requirements from First Light. This has reduced the size of the lot and; therefore, the setback. Mr. Young presented a letter from First Light into the record which noted no objection. A lengthy discussion ensued about surveying and measurements to the 440 line. The lots in the New Fairfield side of Sail Harbour are R-44 lots, while the Sherman side lots are R-88 lots. Joe DePaul asked the public form comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board stated that they did not have a problem with the application if First Light had no objections. Joe DePaul made a motion to grant a rear setback to 35' to allow construction of an in-ground pool per the plans as submitted; the hardship being the changing nature of the 440 line; duly 2<sup>nd</sup>, approved 5-0. Variance granted.

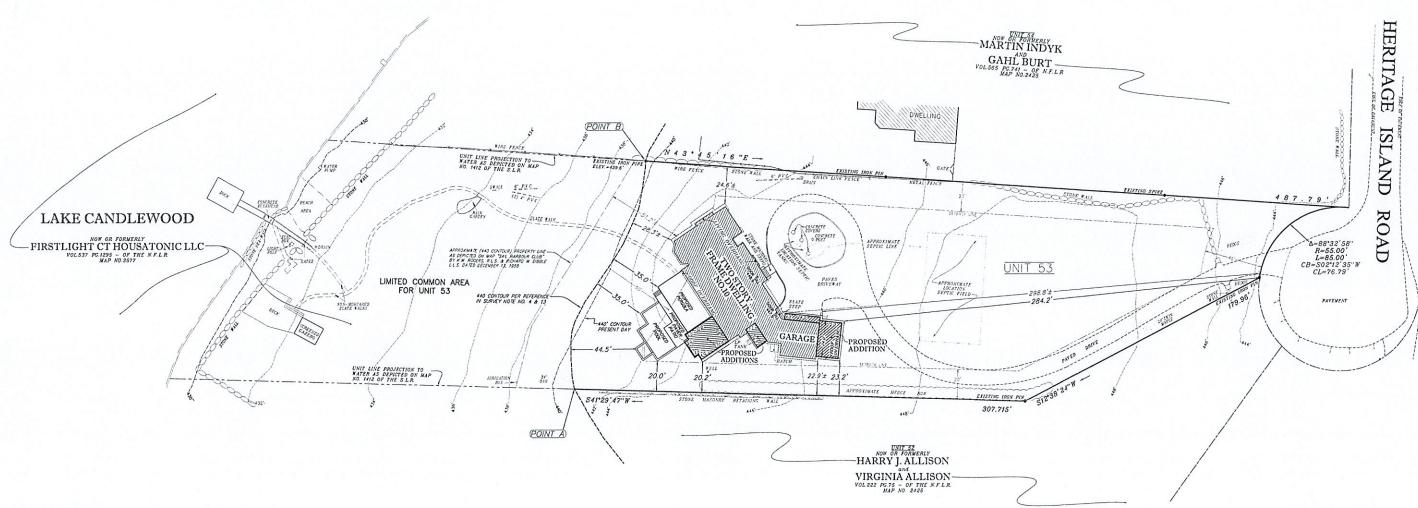
**Application # 28-17:** Mandella, 188 State Route 39, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 9', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of



LEGEND						
EH	YARO DRAIN					
□:	UTILITY BOX (SIZE & USE VARIES,					
	OVERHEAD SERVICE WIRES EDGE OF PAVEMENT					
0)FV	CURBING (TYPE VARIES) WATER VALVE					
Ů.P	LIGHT POLE WOOD FENCE					
	CHAIN LINK FENCE METAL FENCE					
200007	STONE & MASONRY RETAINING WALL					
000000	STONE WALL PROPERTY/BOUNDARY LINE					
	440' CONTOUR ISEE SURVEY NOTE 4 &					

ZONING DATA - R-44	(SEC. 3.	0.2.A)	
GENERAL PROVISIONS	PERMITTED	EXISTING	PROPOSED
a. MINIMUM LOT AREA	13,560 Sq. Ft.	59,255 ± Sq. Ft 1.36 ± Acres	59,255± Sq. Ft 1,36± Acres
b. MINIMUM ROAD FRONTAGE	125.0	85.0'	85.0
c. MINIMUM FRONT YARD	40.0	298.8'±	284.2
d. MINIMUM SIDE YARD	20.0	24.6'±(nw) 22.9'±(se)	21.6±(m) 20.2'(sc)
e. MINIMUM REAR YARD	50.0	29.8'±	29.8'±
f. MAXIMUM HEIGHT	35.0	<35.0'	<35.0
g. MAXIMUM BUILDING AREA	(11 940 Sa Fr.)	7.2%± (1.275 Sq.Ft.)	10.2%± (6,061 Sq.Ft.)
h. MAXIMUM IMPERVIOUS SURFACES	25% (14,926 Sq.Ft.)	20.7%± (12.976 So.Ft.)	(14 058 Sa Ft.)





#### **DWNERSHIP NOTES:**

OWNER OF RECORD: VIVIEN R. FRANCIS AND KEITH A. PEDRANI TRUSTEES - VOL. 526 PC. 357 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. 1412 OF THE SHERMAN LAND RECORDS AND 2425 OF THE NEW FAIRFIELD LAND RECORDS.
  REFERENCE MADE TO EXHIBIT C, SHEET 24 OF 29 SHEETS, AUGUST 30, 2013, ROCKY RIVER DEVELOPMENT, HOUSATONIC RIVER PROJECT NO.2576, PROJECT MAP, FIRSTLIGHT POWER GENERATION COMPANY, SCALE I"=200".
  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 AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 811 or 1-800-922-4455.
  SUBJECT TO EASEMENTS, COVENANTS, ETC. OF RECORD, IF ANY.
  SUBJECT TO EASEMENTS, COVENANTS, ETC. OF RECORD, IF ANY.
  SUBJECT TO REPARLAN AND LITTORAL RIGHTS OF OTHERS.
  SUBJECT TO REPARLAN AND LITTORAL RIGHTS OF OTHERS.
  SUBJECT TO RESEMENT TO INSTALL, MAINTAIN, AND REPAIR UTILITIES. ON, IN, OR OVER THE REAR AND FRONT SIDE TEN FEET (10') AND FIVE FEET (5') ALONG EACH SIDE OF EACH UNIT.

- ALONG EACH SIDE OF EACH UNIT.

  SUBJECT TO CERTAIN RIGHTS, RESTRICTIONS, EASEMENTS, CONDITIONS, RESERVATIONS, AGREEMENTS AND COVENANTS AS SET FORTH IN VOL.29 PG.75 OF
  THE N.F.L.R. AND VOL.18 PG.240 AND VOL.25 PG.291 OF THE S.L.R.

  SUBJECT TO DECLARATION SCHEDULE A-1 AS RECORDED IN VOL.190 PG.465-573 AND AMENDED THROUGH THE 6TH AMENDMENT RECORDED IN VOL.264 PG.842

  OF THE N.F.L.R.

  PRESERVENCE FIR. AND STREET, POLYT, A. POLYT, R. N. 2014 (2018). 160 202
- REFERENCE TIE LINE BETWEEN POINT A POINT B ~ N32°24'29"W 160.717'.
- Kepembene tie line between <u>Point A</u> <u>Point B</u> ~ N32°24'29'W 160.717'.
   4.40' Contour depicted Hereon established from connecticut light & Power company, rock river hydro-electric development black/white Plate C4, Bench Marks recovered, Cl&P field books 229 & 243. Vol.14 FG90 of the N.F.L.R. and exhibit G mapping.
   3. TWO FOOT TOPOGRAPHIC SURVEY CONTOURS COMPUTED FROM LIDAR DEM (2016) FLOWN BY THE STATE OF CONNECTICUT, TILE 805730\_ne and Converted to the rocky rived datum, said contours conform to, at minimum, to topographic accuracy.
   4. THE INTENTION OF THIS MAP IS TO DEPICT EXISTING/PROPOSED SITE CONDITIONS.
   5. PROPOSED IMPROVEMENTS DEPICTED HEREON TAKEN FROM A PLAN SUPPLIED TO THIS OFFICE BY OTHERS AND IS SUBJECT TO APPROVAL FROM PROPER GOVERNING AUTHORITIES.

#### \*IMPORTANT\* LOCATION OF UNDERGROUND UTILITIES DEPICTED HEREON ARE APPROXIMATE. NO MARRANTY NOR GUARANTES 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

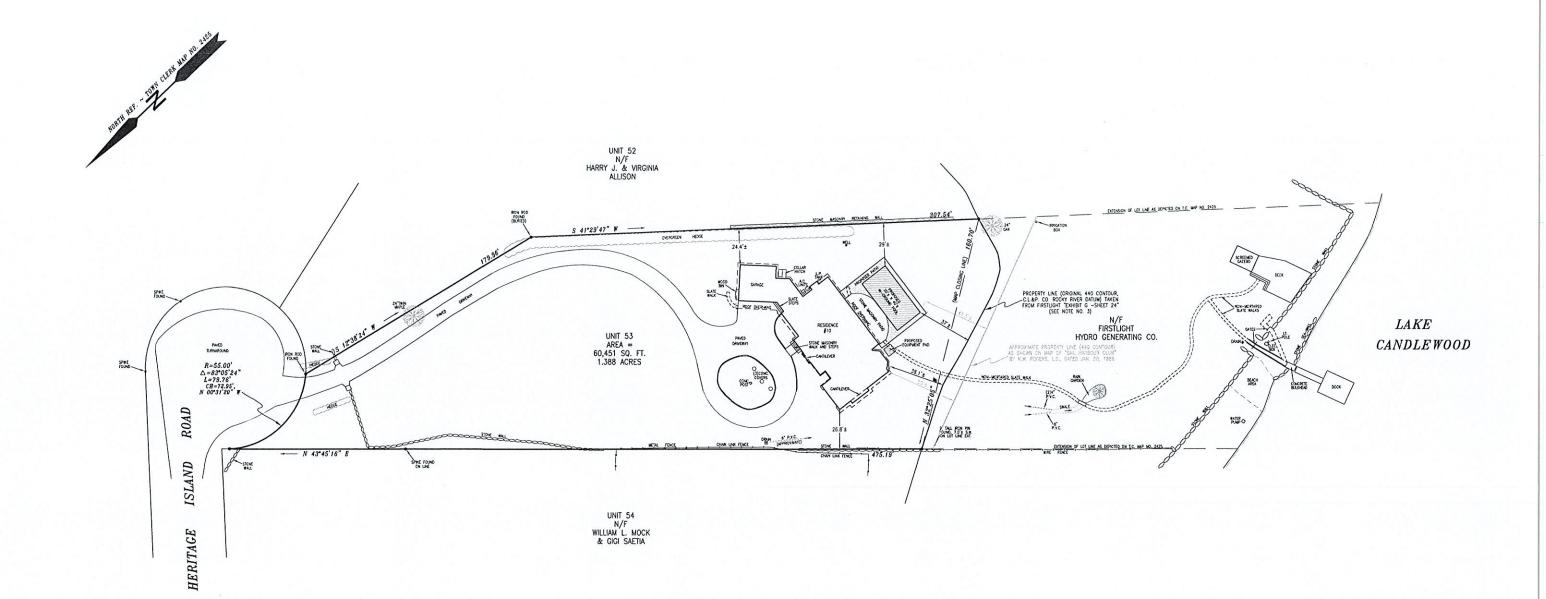
PREPARED FOR VIVIEN R. FRANCIS

## KEITH A. PEDRANI TRUSTEES

DEPICTING PROPERTY SITUATED AT 10 HERITAGE ISLAND ROAD NEW FAIRFIELD, CONNECTICUT TAX ASSESSOR MAP 3~BLOCK 3~LOT 20

AREA: 1.36± ACRES DATE: FEBRUARY 2, 2023 THIS MAP IS SUBSTANTIAL EXCEPTION DRAWN BY: J. RAPP/DPB DRAWING NAME: 22536-1LS
Sydney A. Rapp Land Surveying, P.C.
30 Lindencred Draw, Danhury, Connecticut 08411
1-B Grand Street, Bethel. Connecticut 08801





'ERTY IS LOCATED IN R-44 ZONING DISTRICT.

RENCE MADE TO TOWN CLERK MAP NO. 2425 AND 296 PG. 465-466 OF THE NEW FAIRFIELD LAND RECORDS.

RENCE MADE TO MAP ENTITLED "EXHIBIT G - SHEET 24 9 SHEETS - AUGUST 30, 2013, ROCKY RIVER DEVELOPMENT, ATONIC RIVER PROJECT NO. 2576, PROJECT MAP, FRISTLICHT R GENERATION COMPANY, 1 INCH = 200 FT."

MAP REPRESENTS A RESURVEY OF UNIT 53 AS DEPICTED OWN CLERK MAP NO. 2425.

ERTY IS SUBJECT TO TERMS, CONDITIONS, AGREEMENTS, ATTOMS AND EASEMENTS CONTAINED IN A DECLARATION LANNED COMMUNITY BY SAIL HARREOUR CLUB, RECORDED IL. 190 PG. 465 OF THE NEW FAIRSTIELD LAND RECORDS.
ERTY IS SUBJECT TO EASEMENTS, AGREEMENTS, DECLARATION, BYLAWS AS LISTED IN VOIL 296 PG. 466 AS WELL AS NOTES NOTATIONS ON TOWN CLERK MAP NO. 2425.

ROROUND UTILITIES, DRAINAGE, SANITARY SYSTEMS, AND R SUBSURFACE IMPROVEMENTS, IF ANY, ARE NOT SHOWN.

JMENTATION FOUND OR SET DEPICTED HEREON.

ING BUILDING COVERAGE EQUALS 7.0% ±
ING IMPERVIOUS COVERAGE EQUALS 19.8% ±.
OSED IMPERVIOUS COVERAGE EQUALS 22.5% ±.
RENCE MADE TO SECTION 8-13A OF THE CONNECTICUT
RAL STATUTES.

## PROPERTY SURVEY

PREPARED FOR

## DAVID H. & CAROL FEINBERG

10 HERITAGE ISLAND ROAD

TOWN OF NEW FAIRFIELD JUNE 24, 2017 FAIRFIELD COUNTY, CT. SCALE: 1" = 30' THIS SURVEY MAP HAS BEEN PREPARED ACCORDANCE WITH SECTIONS 20-300b-20-

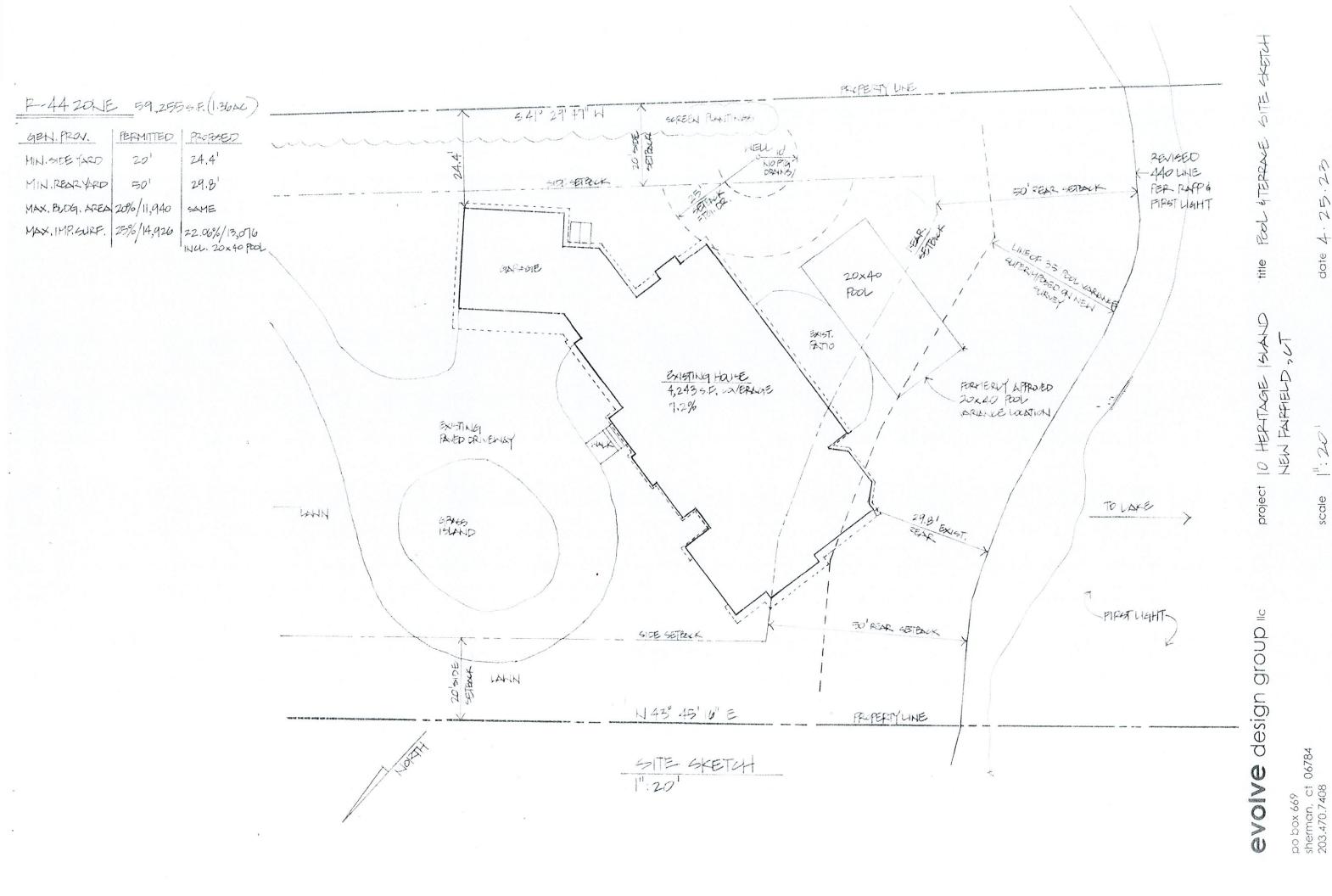
IT IS A PROPERTY SURVEY BASED ON A DEPENDENT RESURVEY OF EXISTING MAPS

THIS SURVEY MEETS CLASS A-2 STANDA

TO THE BEST OF MY KNOWLEDGE AND E THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

PREPARED BY THE OFFICE O.
PAH, INC. ~ LAND SURVEY
35 DANBURY ROAD NEW MILFORD.





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P-44 20NE 59,255 5.F. (1.36AC)

GBN. PROV. PERMITTED PROPOSED

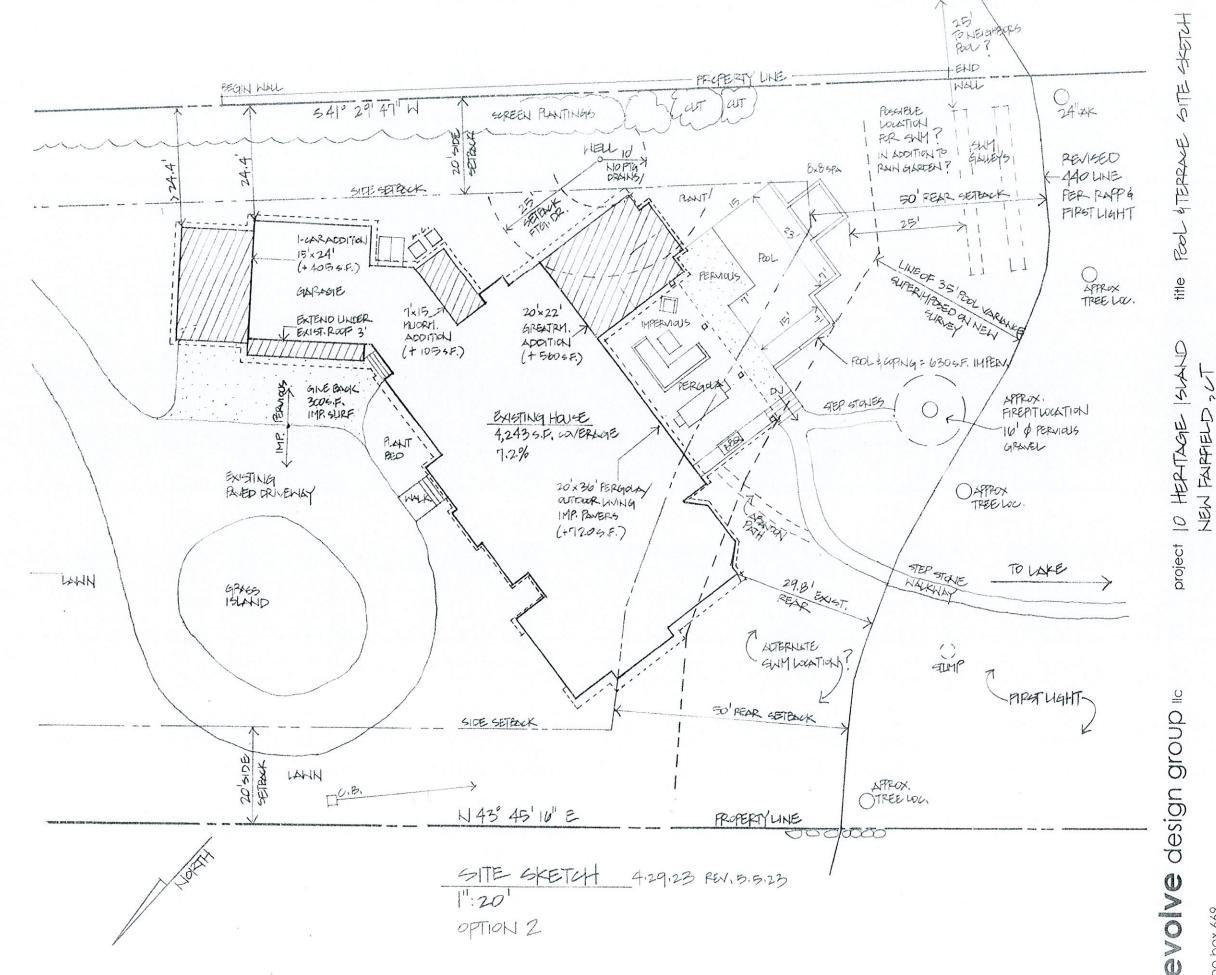
MIN. SIDE YARD 20'

MIN. REAR YARD 50' 29.8'

MAX. BLOG. AREA 20%/11,940 9.0%/5,315

MAX. IMP. GURF. 25%/14,926 <25%

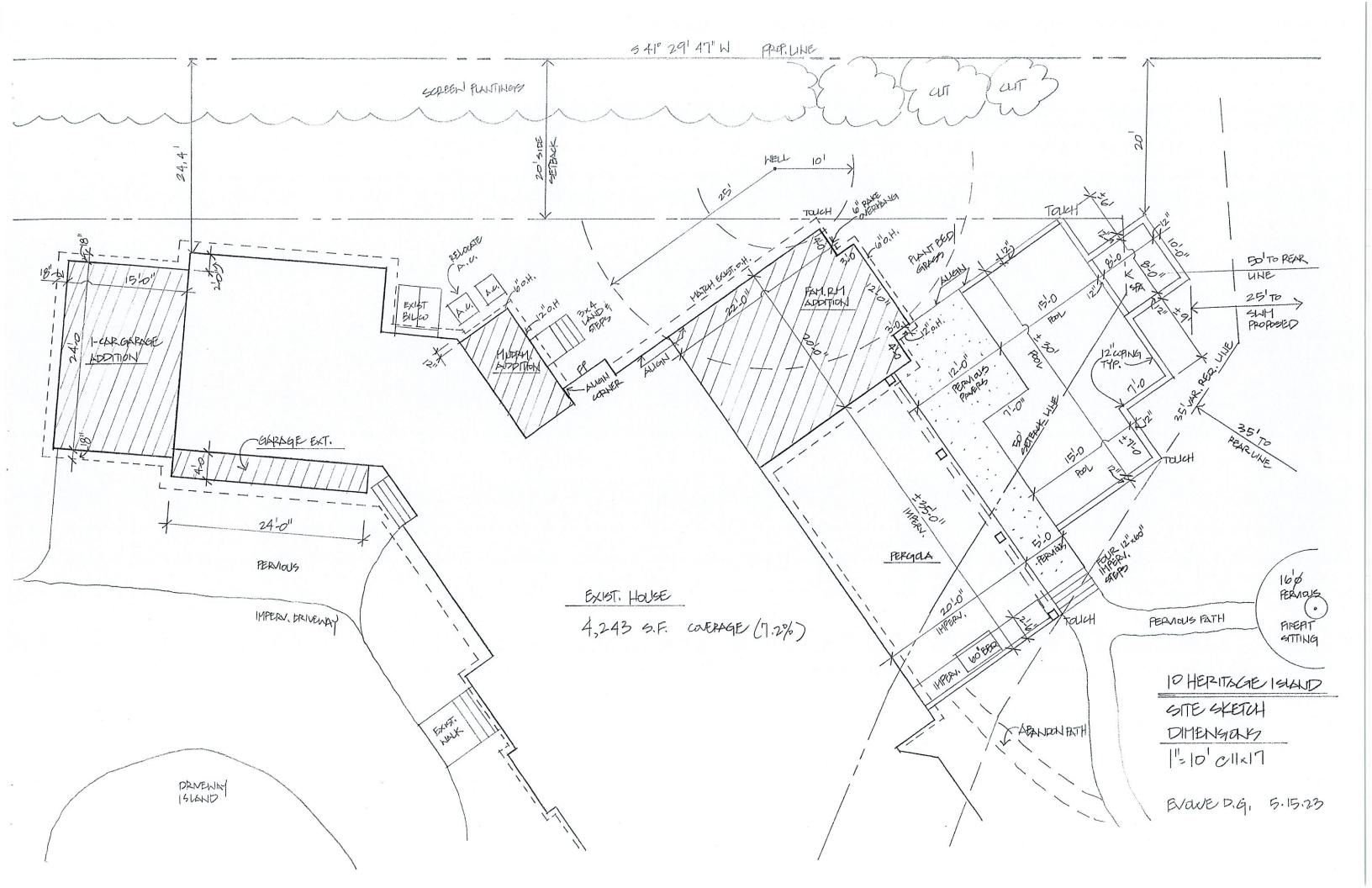
ADDED 1,250 S.F. FORALL ADDITIONS SHOWN

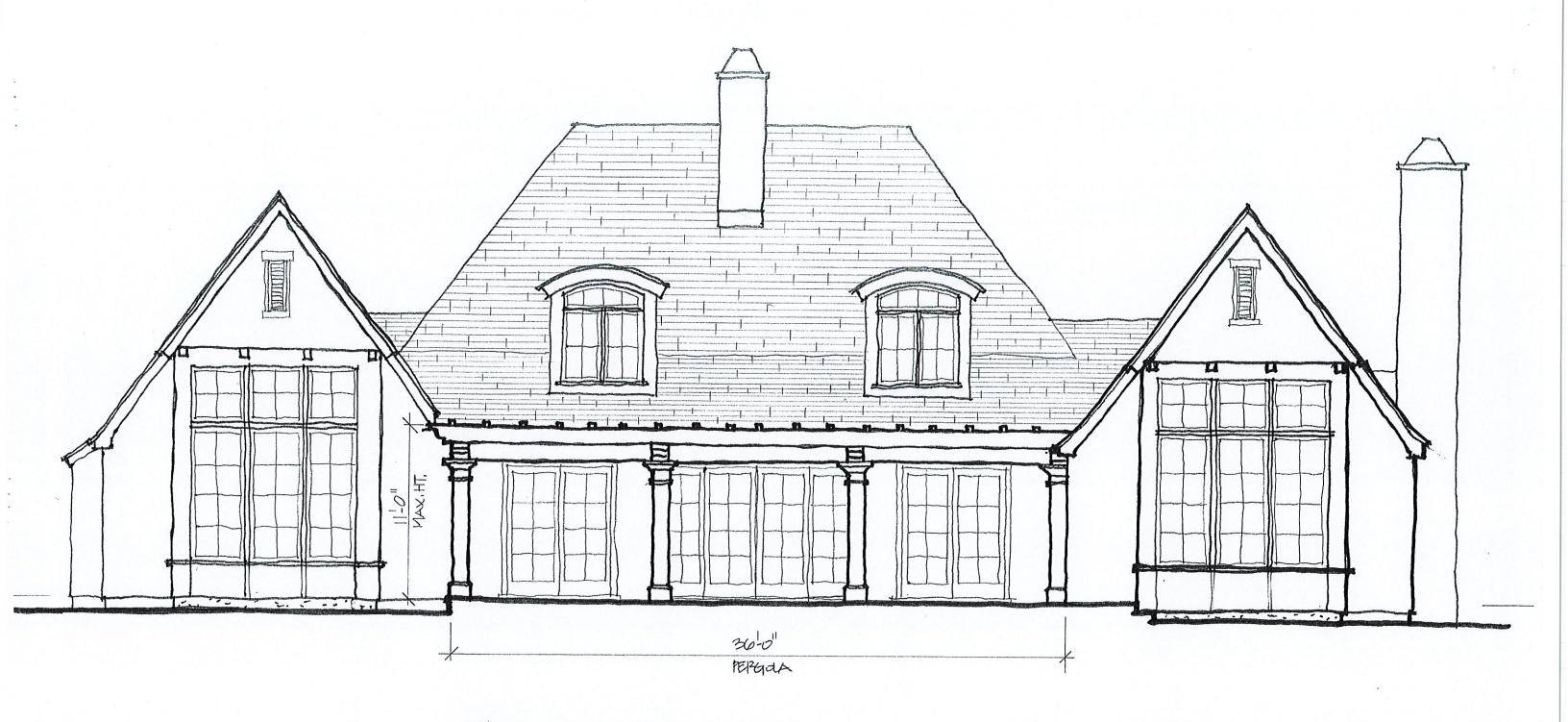


po box 669 sherman, ct 06784 203.470.7408

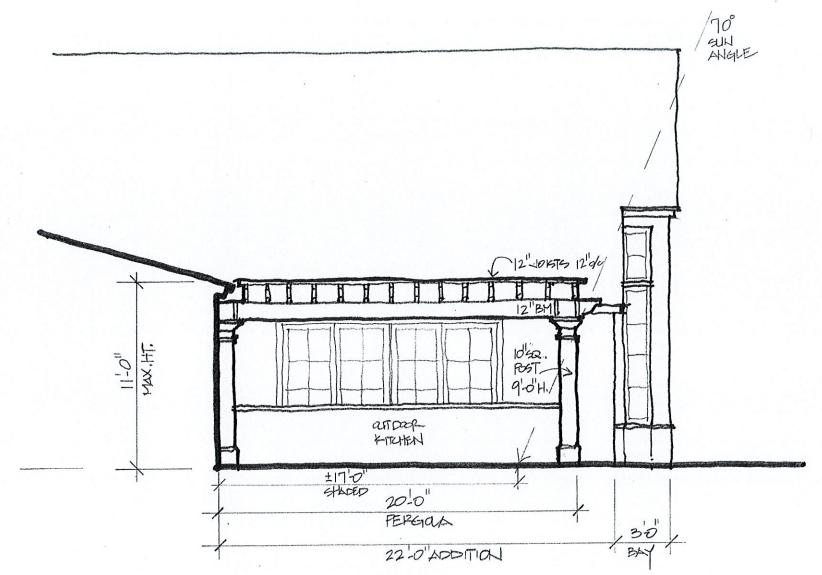
date

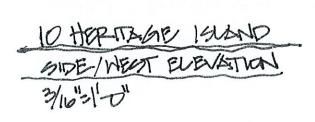
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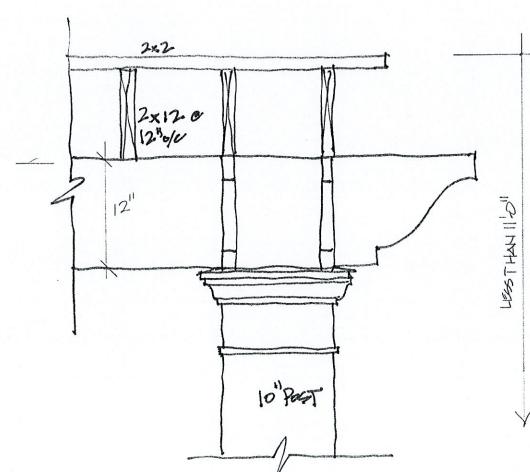




PEAR GOUTH EVENSTION 3/16=1-0"







1":1'-0"