

APPLICATION OR APEAL#: 21-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: ERICH DILLER ; EVOLVE DESIGN GROUP
Mailing Address: PO BOX 609
SHERMAN, CT 06784 Phone#: (203) 470-7408
Email: ejdiller21@gmail.com

2) Premises located at: 79 LAKE DRIVE NORTH, CANDLEWOOD VILLE on the (N S E W) side of the street
at approx. 1/8 MILE feet (N S E W) from SUNSET TRAIL (nearest intersecting road).

3) Property Owner Name: TOM & NANCY WALSH
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 15 Block No.: 1 Lot No.: 56/58

5) Zone in which property is located: R-44 Area of Lot: 25,439 sq ft (0.584 acres)

6) Dimensions of Lot: Frontage: 160' Average Depth: +130'

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: VERTICAL EXPANSION ON EXISTING HOUSE FOOTPRINT TO
CREATE A 2ND FLOOR MASTER BEDROOM W/ SHED DORMER IN EXISTING ATTIC AND GABLE ROOF
FACING LAKE IN GREATROOM TO REPLACE LOW EAVE, STRUCTURALLY FAILING SHED SUNROOM ROOF.

Hardship: PRE-EXISTING, NON-CONFORMING HOUSE AND LOT. STEEP SLOPE, AVERAGE ON COVERAGE AND
EXPOSED LEDGE DO NOT ALLOW FOR OUTWARD FOOTPRINT EXPANSION.

11) Date of Zoning Commission Denial: June 27, 2023

12) Variance(s) Requested: USE DIMENSIONAL

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

#2

Setbacks Requested: Front to: N/A Rear to: 50' to 31'
Side to: N/A 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: [Signature] DATE: 6.8.23
ERICH DILLER : AGENT

ZONING BOARD OF APPEALS
JUL 20 2023

PROPOSAL

received
6-8-23

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan White, Zoning Enforcement Officer

DATE: June 27, 2023

PROPERTY OWNER: Tom & Nancy Walsh

PROPERTY ADDRESS: 79 Lake Drive North

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:

3.2.5-Minimum Lot Area & Frontage (A)

3.2.6-Minimum Building & Structure Setbacks (C)

3.2.7-Maximum Building Area

3.2.11-Minimum Lot Dimensions

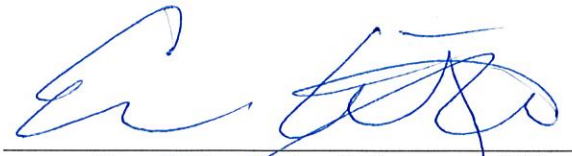
7.1.12-Improved Lots Not In a Validated or Approved Subdivision

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

Nancy Walsh
79 Lake Drive North
Candlewood Isle
New Fairfield, CT 06812

June 7, 2023

To Whom it may concern,

As the property owner of 79 Lake Drive North, New Fairfield CT, I hereby authorize Erich Diller of Evolve Design Group, LLC in Sherman 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 renovations which they are designing and building respectively.

Sincerely,



Nancy Walsh

evolve design group, llc

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

June 8, 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 at 79 Lake Drive North, Nancy and Tom Walsh, are hoping to expand their one-story home by adding a dormer to an un-finished and un-utilized attic space for a Master Bedroom. They are also hoping to replace an existing low eave roofline at a structurally-failing Sunroom off the deck/lakeside with a gable roof facing the lake. Please note that neither of these two roofline vertical expansions will change or increase the height or raise the ridge of the existing house. Therefore, we do not believe there are any sightline issues or massing increases that would adversely affect any neighbors. These requests also do not add any footprint to the existing house as they both fall within the existing roof drip edge.

Here are some specific issues that we believe reinforce our application and provide a hardship:

1. The house and lot are pre-existing and non-conforming in the R-44 Zone. Property is 0.584 acres and/or 25,439 sq.ft.
2. The existing grade and steep slope down to the front of the house as well as the overage on lot coverage do not allow for expansion of living space outwards.
3. Being a one-story house with an unfinished and non-code compliant basement, the attic space offers the only option to increase living space and utilize the unfinished attic area as a second floor Master Bedroom. The dormer allows for usable headroom and egress windows.

The owner's direction to me was to offer solutions for increasing the usable floor area on the attic/2nd floor level while keeping the massing and height of the vertical expansion to the absolute minimum. Their goal is to minimize the impact and visibility of the home from the lake, road, and neighbors properties. We hope that this modest vertical expansion accomplishes that while offering a solution that is in keeping with the architectural vernacular and scale of the existing home. Given that an addition was not feasible, we believe the application in front of you posed the best solution to preserve the spirit, purpose and intent laid out in the zoning regulations.

Thank you for your time and consideration.

Sincerely,



Erich J. Diller
Evolve Design Group
Acting as Owners Agent

LAKE DRIVE NORTH

N/F
Christine E. Gravante
Vol. 520 Pg. 226 N.F.L.R.

(179'± TO PROPERTY LINE)
N 38°21'42" E 179.11' (TOTAL TO TIE-LINE)



- MAP REFERENCES:
- 1) "CANDLEWOOD ISLE, SECTION ONE, SUBDIVISION, NEW FAIRFIELD, CONN. 1930", PREPARED BY A. L. DAVIS, SURVEYOR, ON FILE IN NEW FAIRFIELD LAND RECORDS AS MAP 126
 - 2) "MAP PREPARED FOR MELISSA PREVIDI, 83 LAKE DRIVE NORTH, CANDLEWOOD ISLE, SECTION 'A', SUBDIVISION ONE, NEW FAIRFIELD, CONNECTICUT" SCALE 1" = 20', JULY 17, 1992, PREPARED BY SYDNEY A. RAPP, JR. AND ASSOC. ON FILE IN THE NEW FAIRFIELD BUILDING DEPARTMENT RECORDS
 - 3) "EXHIBIT G - SHEET 20 OF 29 SHEETS - AUGUST 30, 2013, ROCKY RIVER DEVELOPMENT, HOUSATONIC RIVER PROJECT NO. 2376, PROJECT MAP, FIRSTLIGHT POWER GENERATION COMPANY"
 - 4) "COMPLIATION PLAN DEPICTING LAND RIGHTS OF FIRSTLIGHT HYDRO GENERATING COMPANY, TOWN OF NEW FAIRFIELD, FAIRFIELD COUNTY, STATE OF CONNECTICUT" SCALE 1" = 1000', JANUARY 23, 2016 PREPARED BY NORTH BY NORTHEAST SURVEY AND MAPPING CONSULTANTS, ON FILE IN FIRSTLIGHT POWER RESOURCES LAND RECORDS AS NPLR MAP NO. 3577.
 - 5) FEMA, NFIP, FIRM, MAP NUMBER 09001C0127F, EFFECTIVE DATE JUNE 19, 2010

1) COPIES NOT BEARING THE EMBOSSE THE SURVEYOR OR ENGINEER SHALL BE RENDERED NULL AND VOID

2) REVISIONS TO THESE PLANS BY ANY OTHER THAN ARTHUR H. HOWLAND & ASSOCIATES, P.C. SHALL MAKE THESE PLANS NULL AND VOID

ARTHUR H. HOWLAND & ASSOC., P.C. SH NO RESPONSIBILITY FOR SAID REVISIONS

REVISIONS:

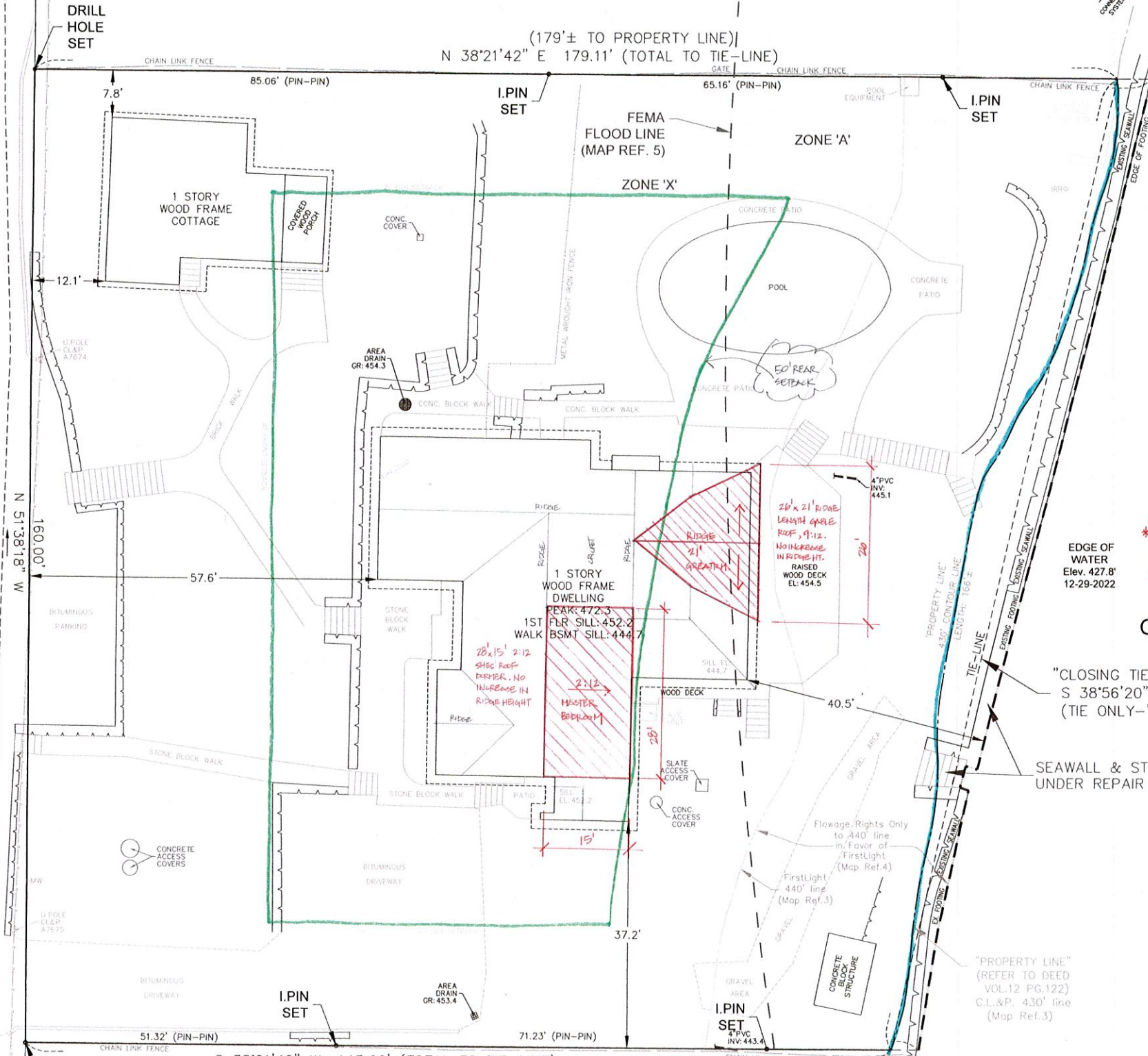
1	5/22/2023	Revised rear property line to 43'
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DEED REFERENCE: VOL. 537 PG. 402 NEW FAIRFIELD LAND RECORDS

PROPERTY IS LOCATED WITHIN THE "R-44" DISTRICT ZONE.

ELEVATIONS ARE BASED ON AN NAVD 83

REFER TO CONNECTICUT GENERAL STATUTE SECTION 8-13a REGARDING THE NONCONFORMANCE LOCATIONS OF BUILDINGS THAT HAVE FOR MORE THAN THREE YEARS



N/F
Firstlight Hydro
Generating Company
Vol. 930 Pg. 295 N.M.L.R.

* REDLINES AND NOTES ADDED TO A.H. HOWLAND SURVEY BY ENRUE DESIGN GROUP, 6-8-23

CANDLEWOOD LAKE

"CLOSING TIE-LINE"
S 38°56'20"W 164.01'
(TIE ONLY--"NOT LOT LINE")

SEAWALL & STAIRS UNDER REPAIR

BUILDING AREA (EXISTING):

- HOUSE, CHIMNEY, DECK & STEPS = 3,341 S.F.
- COTTAGE, PORCH & STEPS = 799 S.F.
- POOL = 660 S.F.
- CONCRETE BLOCK STRUCTURE = 96 S.F.
- TOTAL BUILDING AREA = 4,896 S.F.
- OR 19.2% OF 25,439± S.F. LOT AREA.

IMPERVIOUS COVERAGE (EXISTING):

- HOUSE, DECK & PATIO = 3,006 S.F.
- COTTAGE & PORCH = 752 S.F.
- DRIVEWAY & PARKING AREA = 2,462 S.F.
- WALKS, RET. WALLS, PATIOS, POOL, A/C UNIT & CONC. COVERS = 2,997
- TOTAL IMPERVIOUS COVERAGE = 9,217 S.F.
- OR 36.2% OF 25,439± S.F. LOT AREA.

- LEGEND
- EXISTING BOUNDARY LINE (ADJUTORS)
 - EXISTING BOUNDARY LINE (ABUTTORS)
 - EXISTING BUILDING LINE/ SETBACKS
 - EXISTING FIRSTLIGHT 440' CONTOUR LINE
 - EXISTING EDGE OF PAVEMENT (DRIVEWAY)
 - EXISTING EDGE OF PAVEMENT (ROAD)
 - EXISTING RETAINING WALL
 - EXISTING UTILITY OVER HEAD WIRES
 - EXISTING WATERCOURSE
 - EXISTING IRON PIN

S 38°21'42" W 143.06' (TOTAL TO TIE-LINE)
(143'± TO PROPERTY LINE)

N/F
William S. & Susan L. Foley
Vol. 272 Pg. 1124 N.F.L.R.

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATION IN CONNECTICUT STATE AGENCIES, SECTION 20-300b-1 THROUGH 20-300b-20, EFFECTIVE OCTOBER 26, 2018, AND THE "MINIMUM STANDARDS FOR SURVEYS AND MAPS" IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.

TYPE OF SURVEY:
PROPERTY SURVEY

BOUNDARY DETERMINATION CATEGORY:
RESURVEY

CLASSES OF ACCURACY:
A-2 HORIZONTAL
T-2 VERTICAL

TO MY KNOWLEDGE AND BELIEF, THIS IS SUBSTANTIALLY CORRECT AS NOTED HEREIN

JIM A. DAUGARD, CT L.S. #7035

ARTHUR H. HOWLAND & ASSOCIATES, P.C.

CIVIL ENGINEERS • LAND SURVEYORS
SOIL SCIENTISTS • LAND PLANNERS

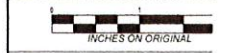
Existing Conditions Map

prepared for
Thomas C. & Na Walsh

Area = 25,439 S.F. / 0.584
79 LAKE DRIVE NORTH
Town of New Fairfield
County of Fairfield
State of Connecticut

DATE:
December 29, 21

SCALE:
1" = 10'



SHEET:
EC.1

Underground utility, structure and facility locations shown have been determined from record maps provided by utility companies, governmental agencies, testimony, field locations, and other sources. Other utilities may exist on site or in the area shown. The size, location, and existence of all underground features must be field verified by the appropriate providers prior to construction. Call Before You Dig, 1-800-922-4455.

Walsh Residence

79 Lake Drive North
New Fairfield, CT



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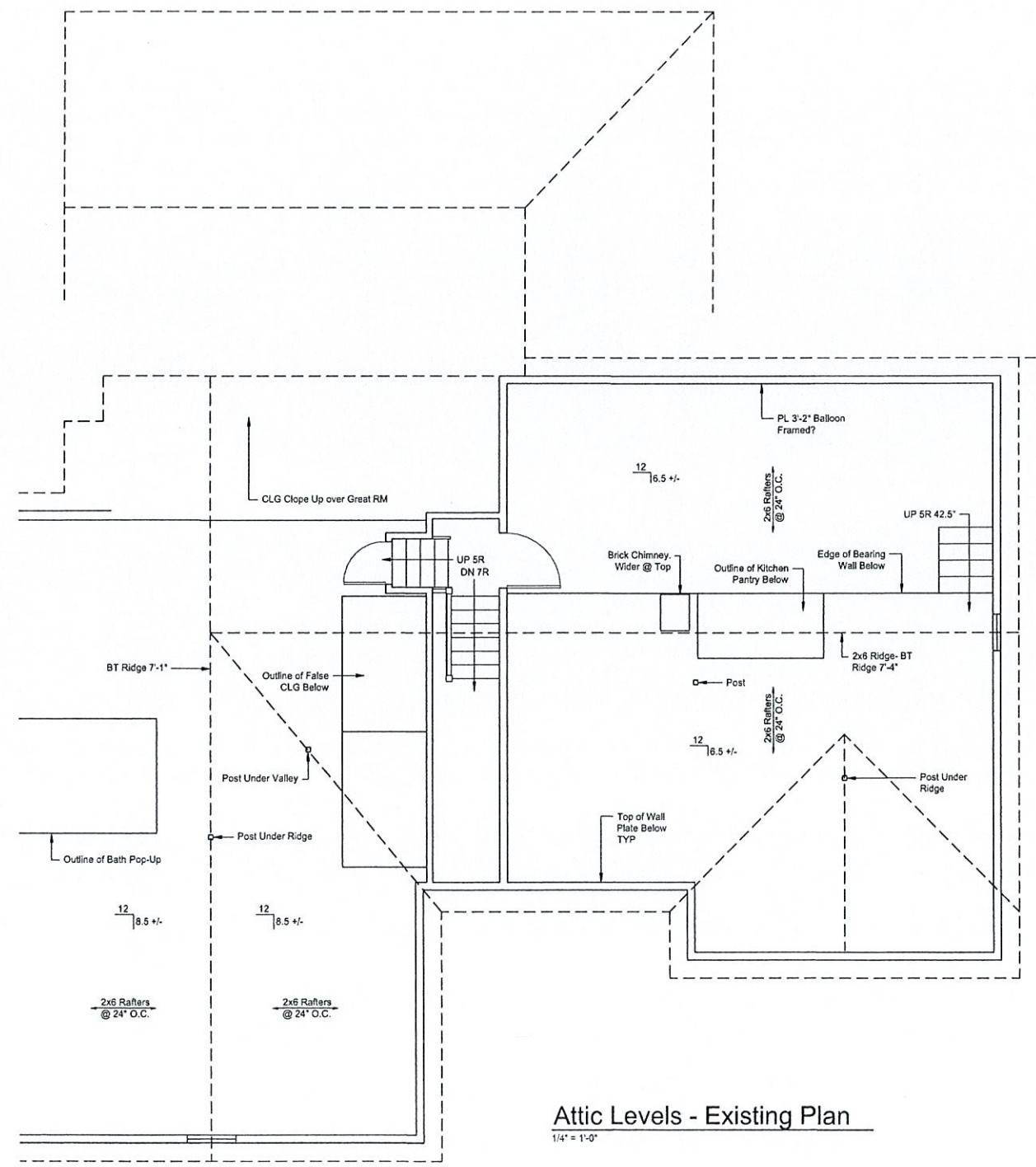
Revisions

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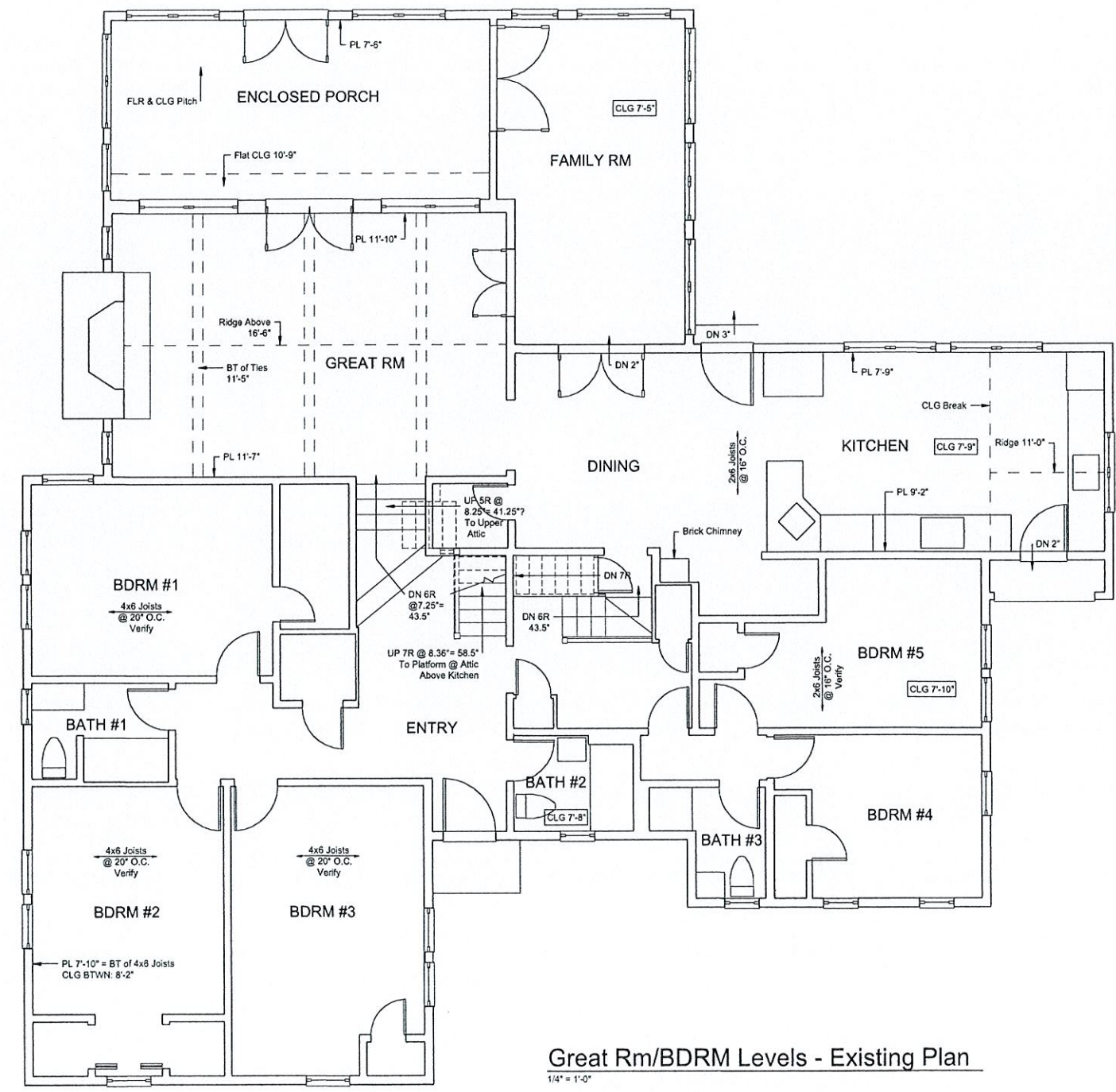
P.O. Box 669
Sherman, CT 06784
203.470.7408

Existing Plans -
Great Rm/BDRM Levels
Attic Levels

05.13.23
Progress
EX1



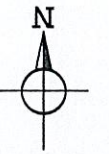
Attic Levels - Existing Plan
1/4" = 1'-0"



Great Rm/BDRM Levels - Existing Plan
1/4" = 1'-0"

Walsh Residence

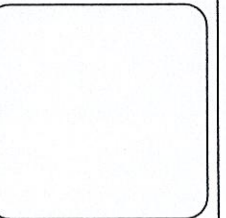
79 Lake Drive North
New Fairfield, CT



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Revisions

No.	Description



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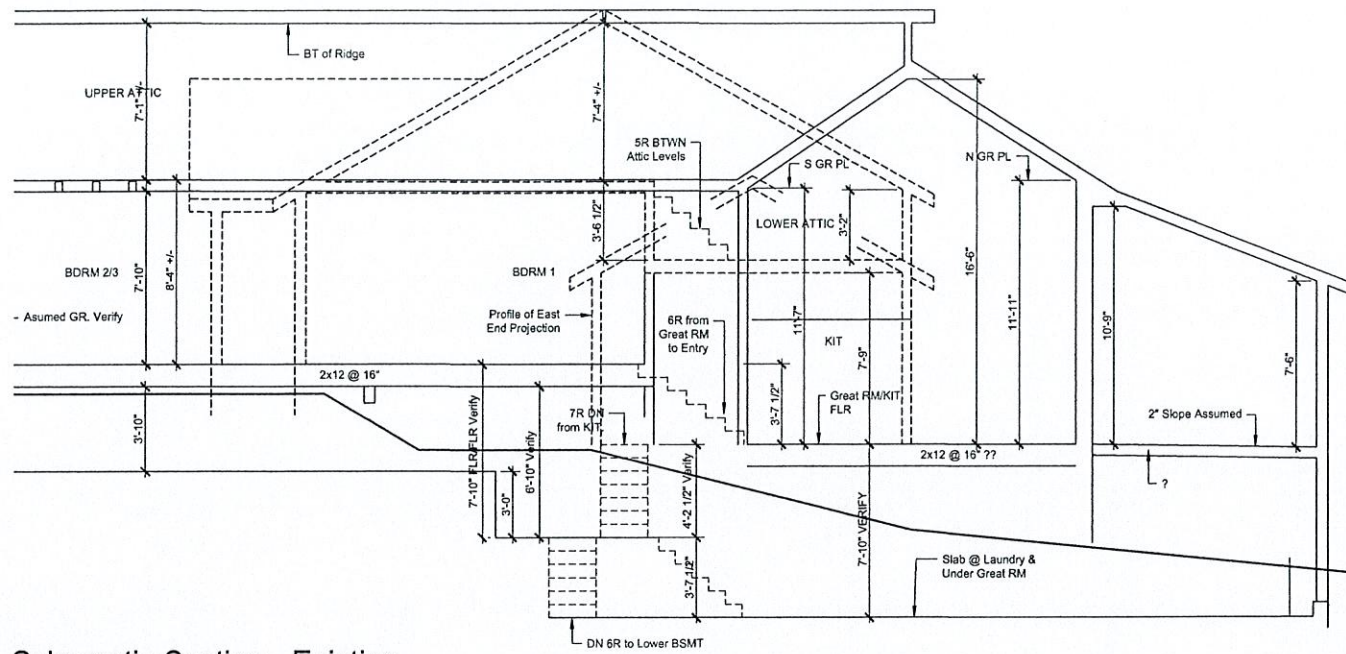
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Existing Plan-
Basement Levels

Schematic Section

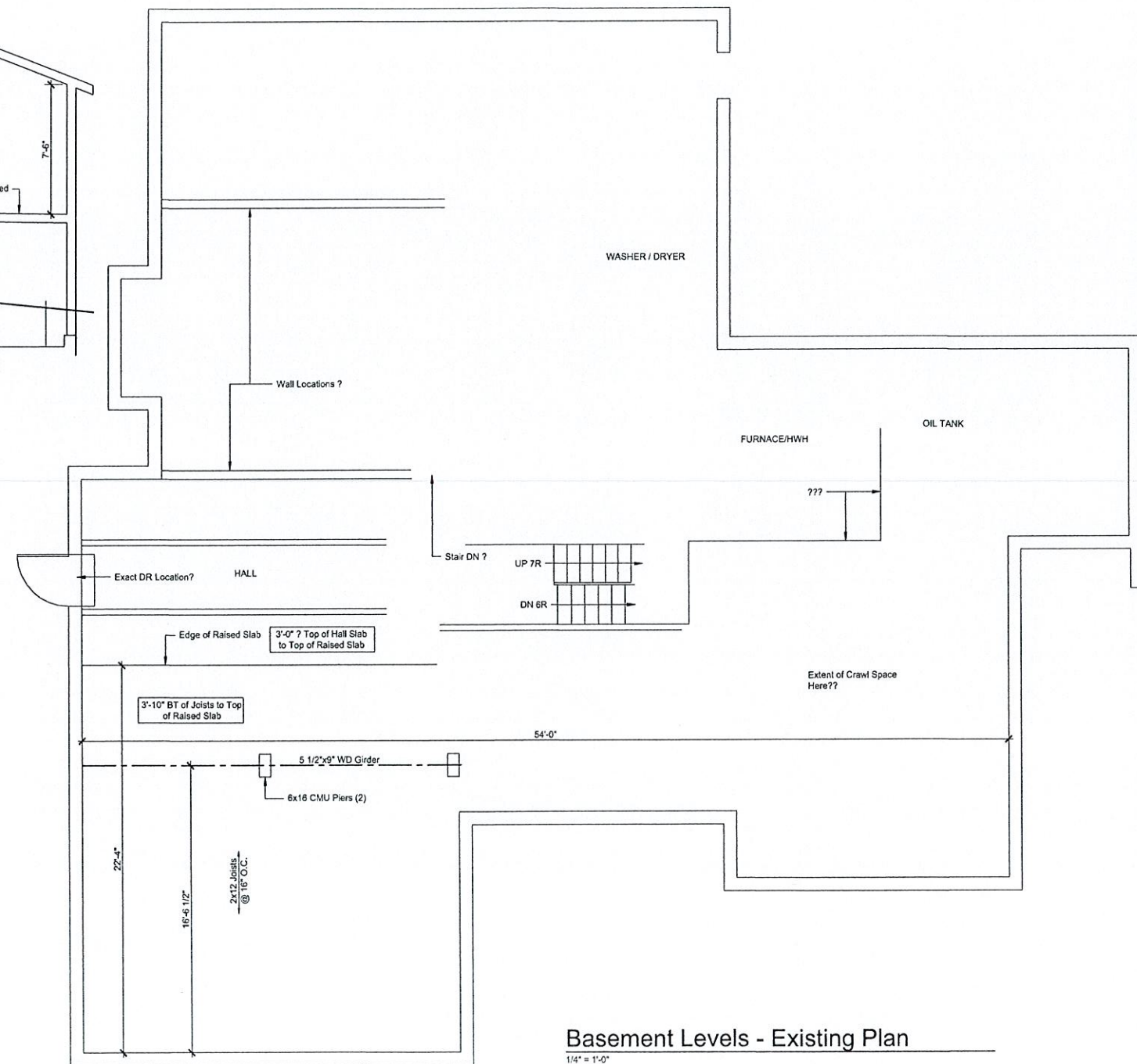
05.13.23
Progress

EX2



Schematic Section - Existing

1/4" = 1'-0"



Basement Levels - Existing Plan

1/4" = 1'-0"

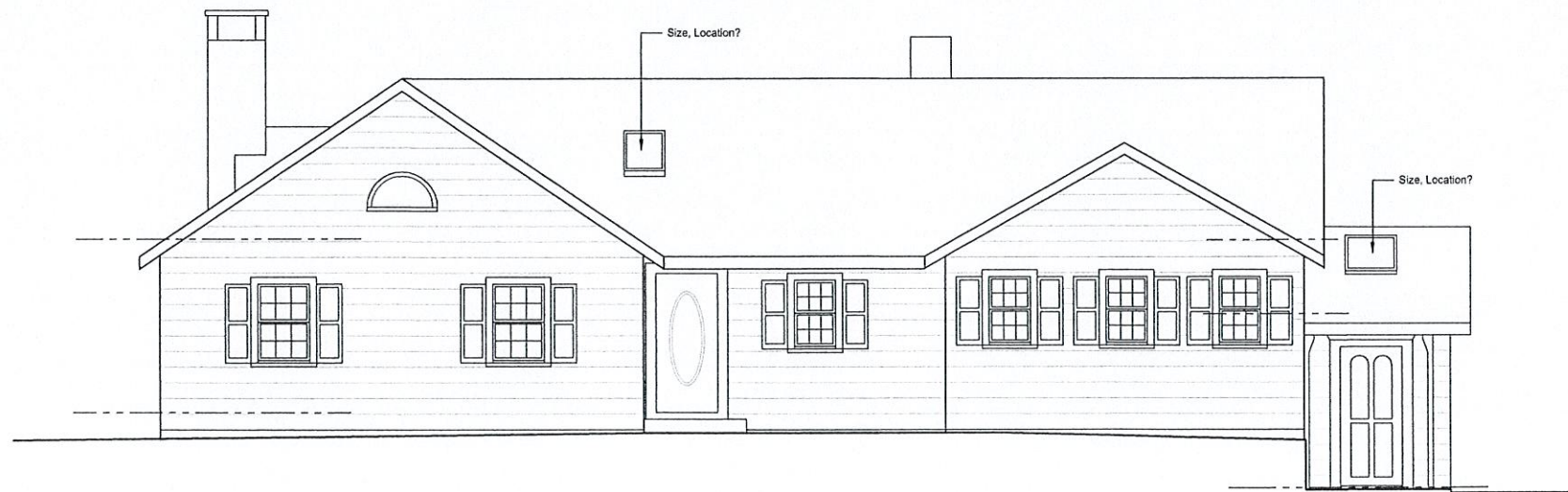
Walsh Residence

79 Lake Drive North
New Fairfield, CT



East Elevation - Existing

1/4" = 1'-0"



South Elevation - Existing

1/4" = 1'-0"

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Revisions

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Existing Elevs-
South & East

05.13.23
Progress

EX3

Walsh Residence

79 Lake Drive North
New Fairfield, CT

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Revisions

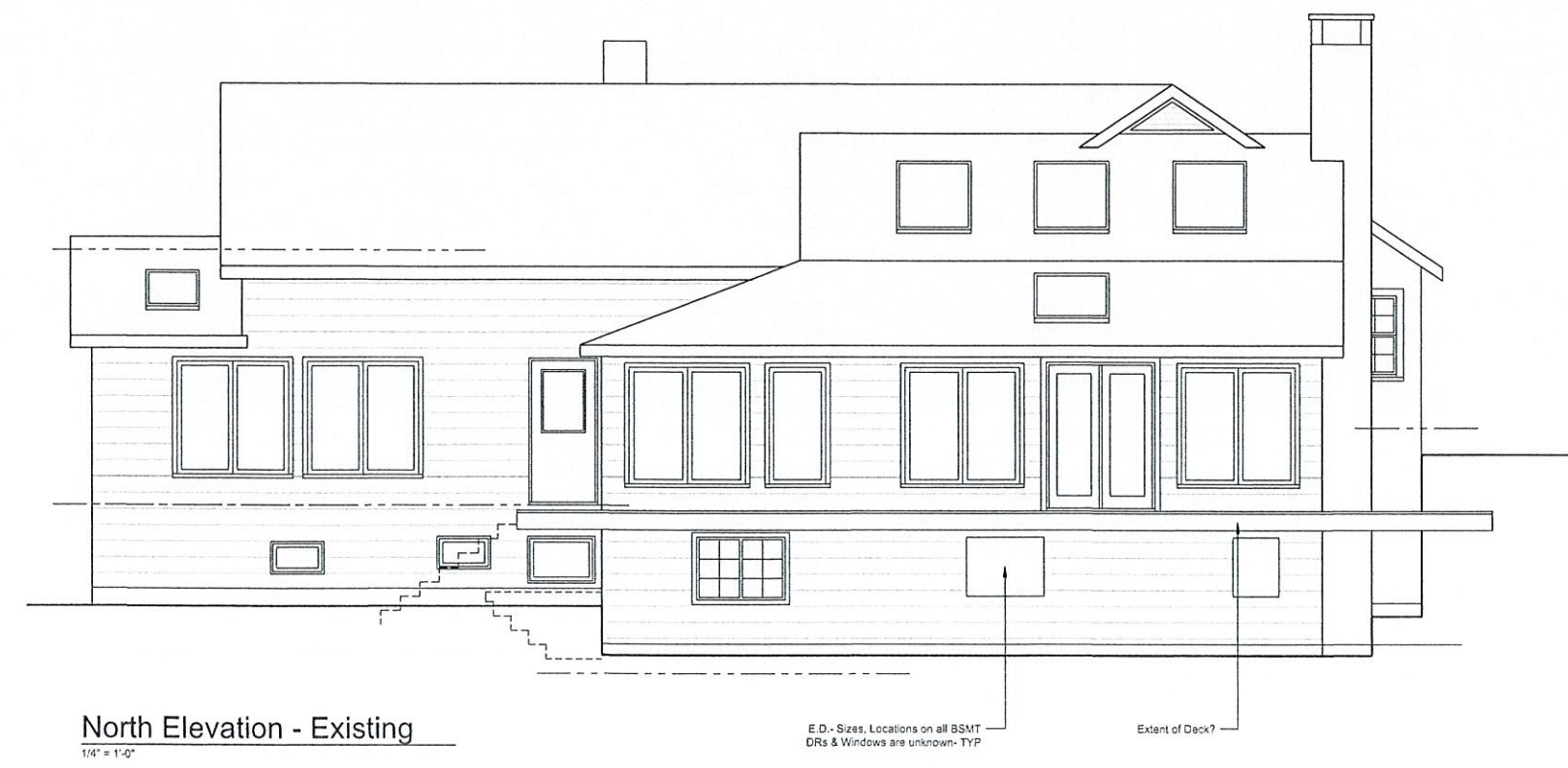
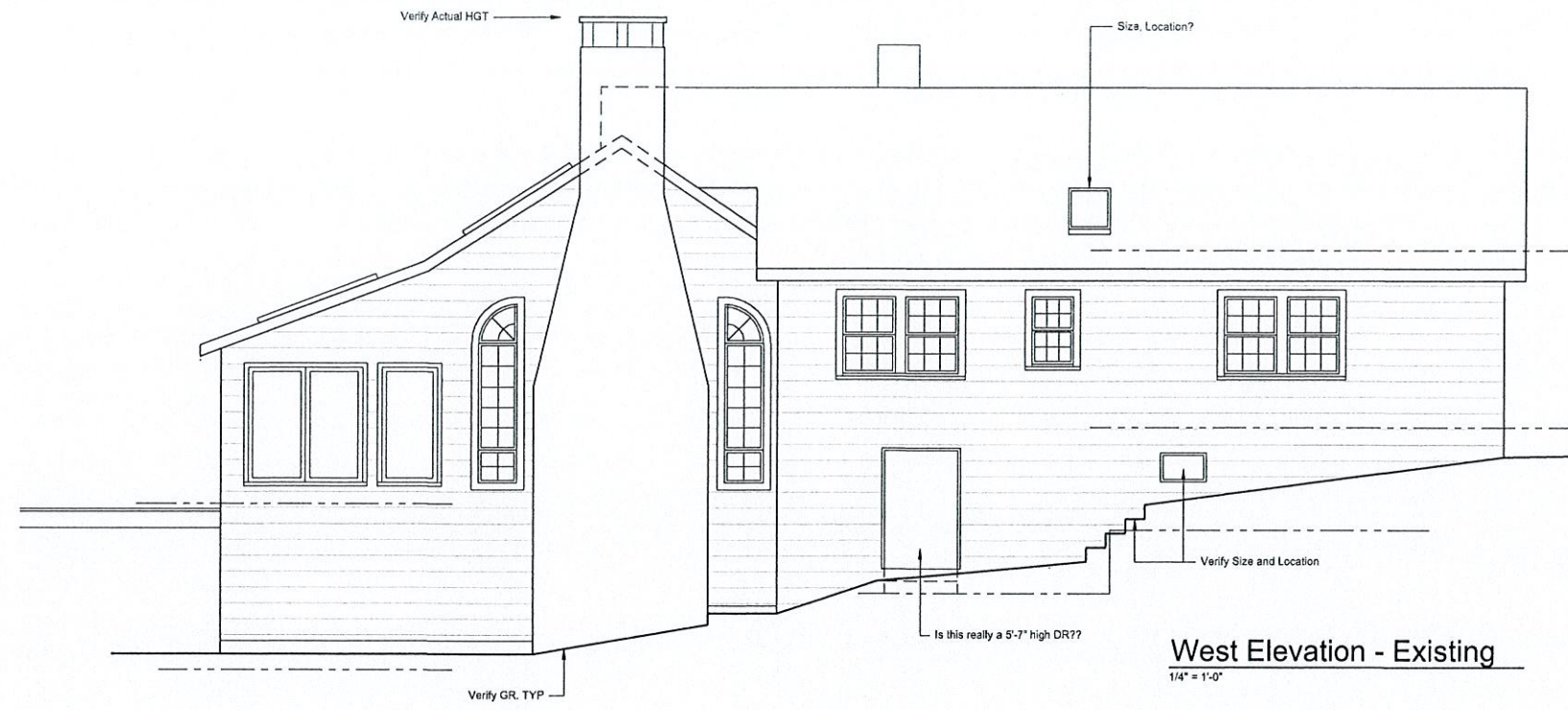
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Existing Elevs-
North & West

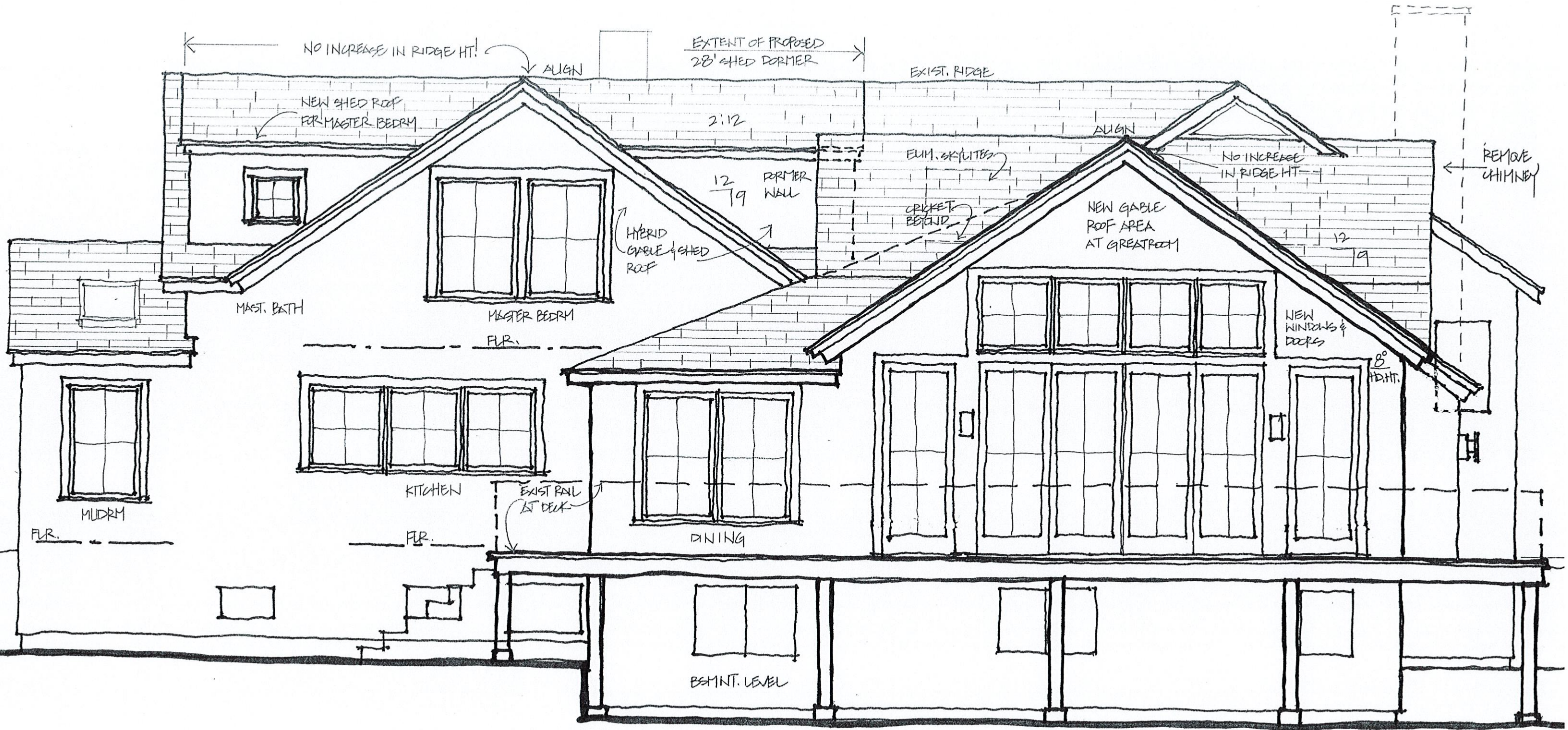
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Progress

EX4





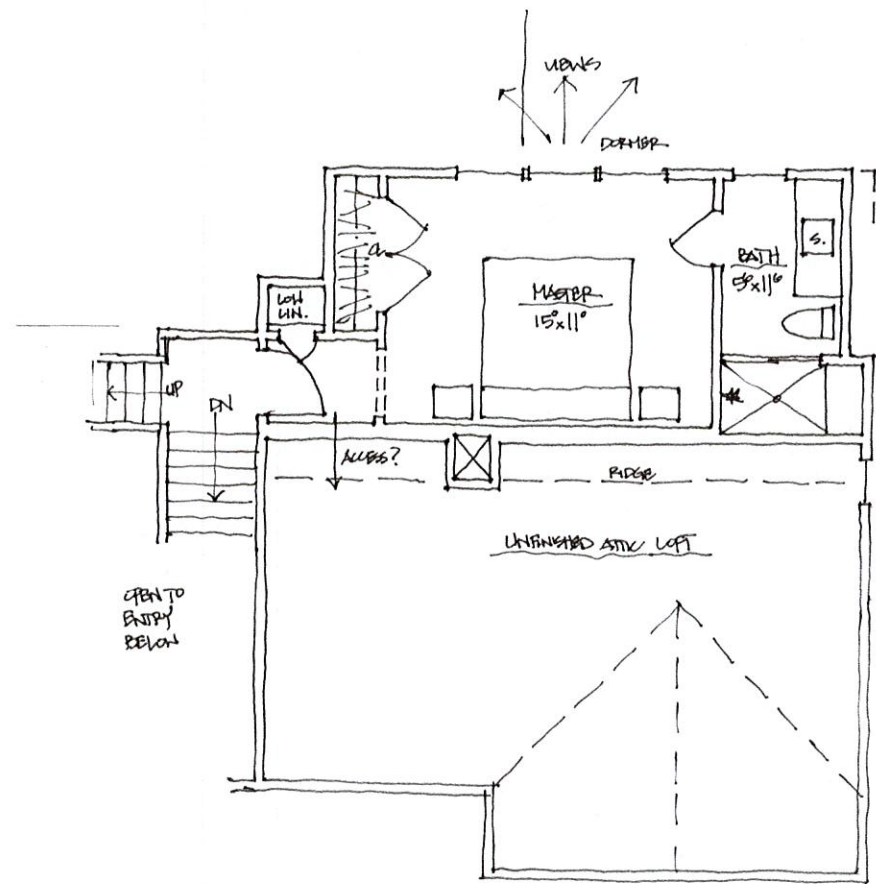
79 LAKE DRIVE NORTH
 EAST/DRIVEWAY ELEVATION
 1/4"=1'-0" 6.8.23



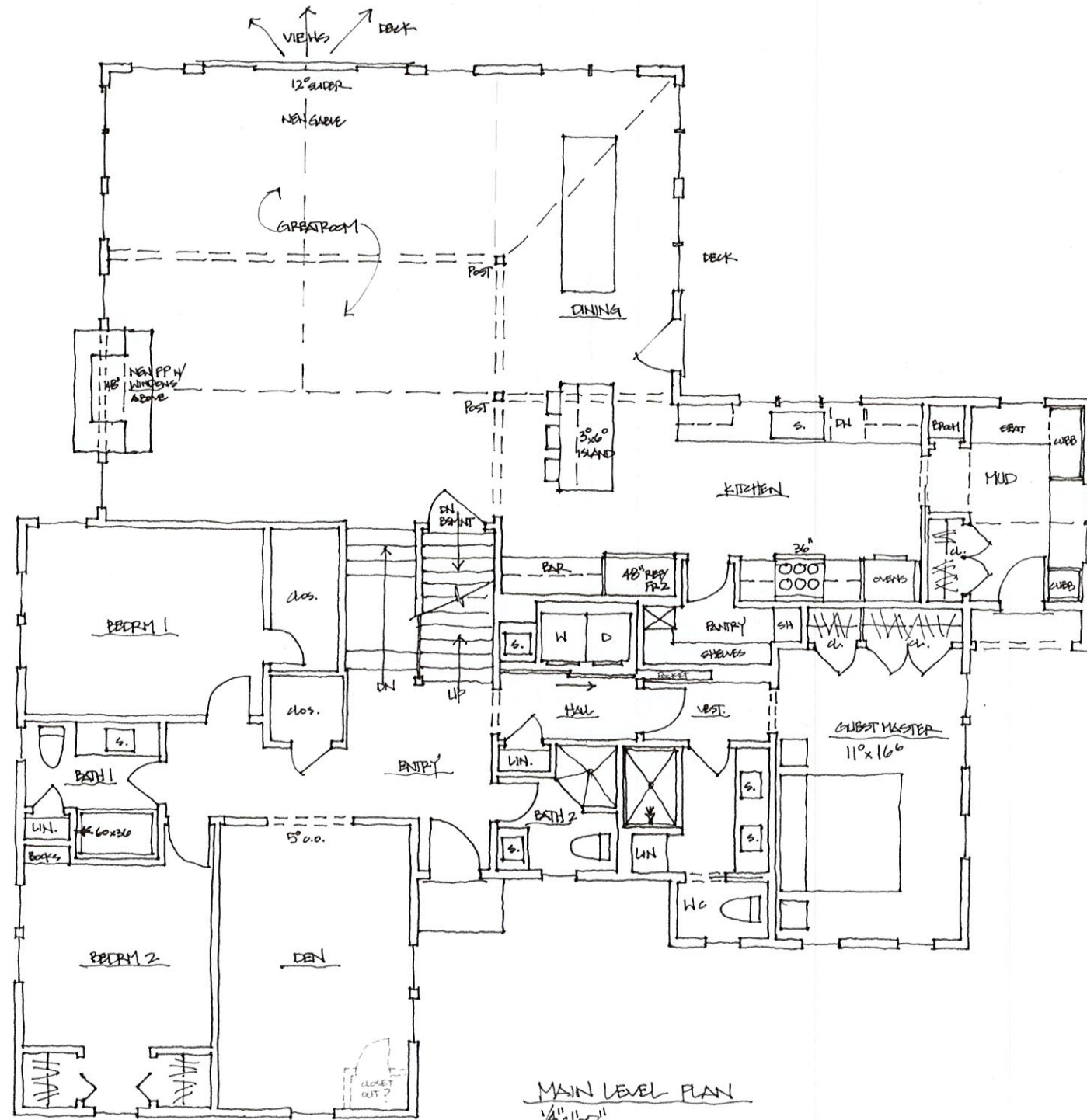
79 LAKE DRIVE NORTH
PROPOSED NORTH/LAKE ELEVATION
 1/4"=1'-0" 6.8.23



79 LAKE DRIVE NORTH
WEST/POOL ELEVATION
 1/4" = 1'0" 6.8.23



PROPOSED UPPER LEVEL PLAN
1/4" = 1'-0"



MAIN LEVEL PLAN
1/4" = 1'-0"



evolve design group llc

ALTERATIONS TO THE
WALSH RESIDENCE

REVISIONS

PRELIMINARY PLANS

PROJECT #
DATE: 6.8.
DRAWN BY: E

PR-

THESE DRAWINGS ARE NOT NECESSARILY DRAWN TO SCALE AND AT ALL TIMES CONTRACTORS SHALL REFER TO THE WRITTEN DIMENSIONS. ALL DIMENSIONS SHALL BE CHECKED ON SITE AND ANY DISCREPANCIES MUST BE REPORTED.