

received
6-22-23 MK

APPLICATION OR APEAL#: 27-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Kerry Merkel, Sherman Building Design
Mailing Address: 9 Locust Lane, Sherman CT 06784
Phone#: _____
Email: Kerry@shermanbuildingdesign.com

2) Premises located at: 19 Southview Rd on the (N E W) side of the street
at approx. _____ feet (N S E W) from _____ (nearest intersecting road)

3) Property Owner Name: Andrew & Naomi Mageon
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 10 Block No.: 3 Lot No.: 19 + 20

5) Zone in which property is located: R-44 Area of Lot: 0.33 Acres 14,387 sq ft

6) Dimensions of Lot: Frontage: 124' Average Depth: 117.5'

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~~ Yes 5/19/2022

If so, give dates and application numbers: # 26-22

10) Proposal for which variance is requested: Addition for entry & bedrooms on main level. Two bedrooms and baths and laundry room.

Hardship: The small size of the lot with existing residence in nonconformance, so any addition includes nonconformance

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

12) Variance(s) Requested: () USE (X) DIMENSIONAL - Expanded Non Compliance

Zoning Regulations (sections): See attached Non-Compliance Letter Zoning Variance for increased non-conformance horizontal & vertical

Setbacks Requested: Front to: Existing 22.8' Rear to: Meets 50' Setback
North Side to: Existing 15.2' South Side to: Meets 20' Setback

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

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: N/A

SIGNATURE OF OWNER OR AGENT: Naomi Mageon DATE: 6/21/2023

ZONING BOARD OF APPEALS
JUL 20 2023
PROPOSAL

#8

received
6-22-23 MK

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: June 27, 2023

PROPERTY OWNER: Andrew & Naomi Magoon

PROPERTY ADDRESS: 19 Southview Road

APPLICANT/AGENT: Kerry Merkel-Sherman Building Design LLC.

MAILING ADDRESS: 9 Locust Lane, Sherman CT 06784

ZONING DISTRICT: R-44 MAP: 10 BLOCK: 3 LOT: 19+20

Please be advised that the applicant would like to (See Application for Description).

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

Sections:

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

3.2.5-Minimum Lot Area & Frontage (A+B)

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

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

**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: Andrew and Naomi Magoon

PROPERTY LOCATED AT: 19 Southview Road

ZONING DISTRICT: R-44; Map: 10; Block: 3; Lot: 19&20

VARIANCE DESCRIPTION: A front setback to 22.8' and a side setback to 15.2' to allow construction of a two-car garage and vertical expansion per the plans as submitted to the Zoning Board of Appeals on May 19, 2022.

ZONING SECTIONS VARIED: 3.2.5A&B, 3.2.6A, 3.2.6B, 3.2.7, 3.2.11, 7.1.1.2, 7.2.3A,B&E

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on May 19, 2022.

Application # 26-22

Dated: May 19, 2022

Joseph DePaul
Joseph DePaul, Chairman
Zoning Board of Appeals

Joe DePaul noted that the shed could be placed within the fenced area. The owner stated that due to septic placement, rock ledge and sloping, there were no other feasible areas to place the shed. Ann Brown noted that there appeared to be other places to put the shed behind the rear plane of the house. Joe DePaul noted that the owner did have alternatives and the board was not supposed to take issues like cost into account. The placement of the pool was discussed. It was noted that the applicant was creating his own hardship by constructing a pool. The setbacks for a R-88 lot are a rear setback to 60' and a side setback to 35'. An above-ground pool must be placed at least 10' from the septic. The board suggested that the applicant continue the application to revisit alternative locations for the shed to be placed behind the rear plane of the house and pool to fit best within the setbacks. Joe DePaul asked the public for comment. None given. John McCartney made a motion to continue Application # 25-22 until next month, July 2nd, approved 5-0. Application continued.

Application # 26-22: Magoon, 19 Southview Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 22.8', 3.2.6B Side Setback to 15.2', 3.2.7, 3.2.11, 7.1.1.2, 7.2.3A,B&E to construct an attached two-car garage addition, entry stairs and second floor addition to an existing house. Zoning District: R-44; Map: 10; Block: 3; Lot: 19&20.

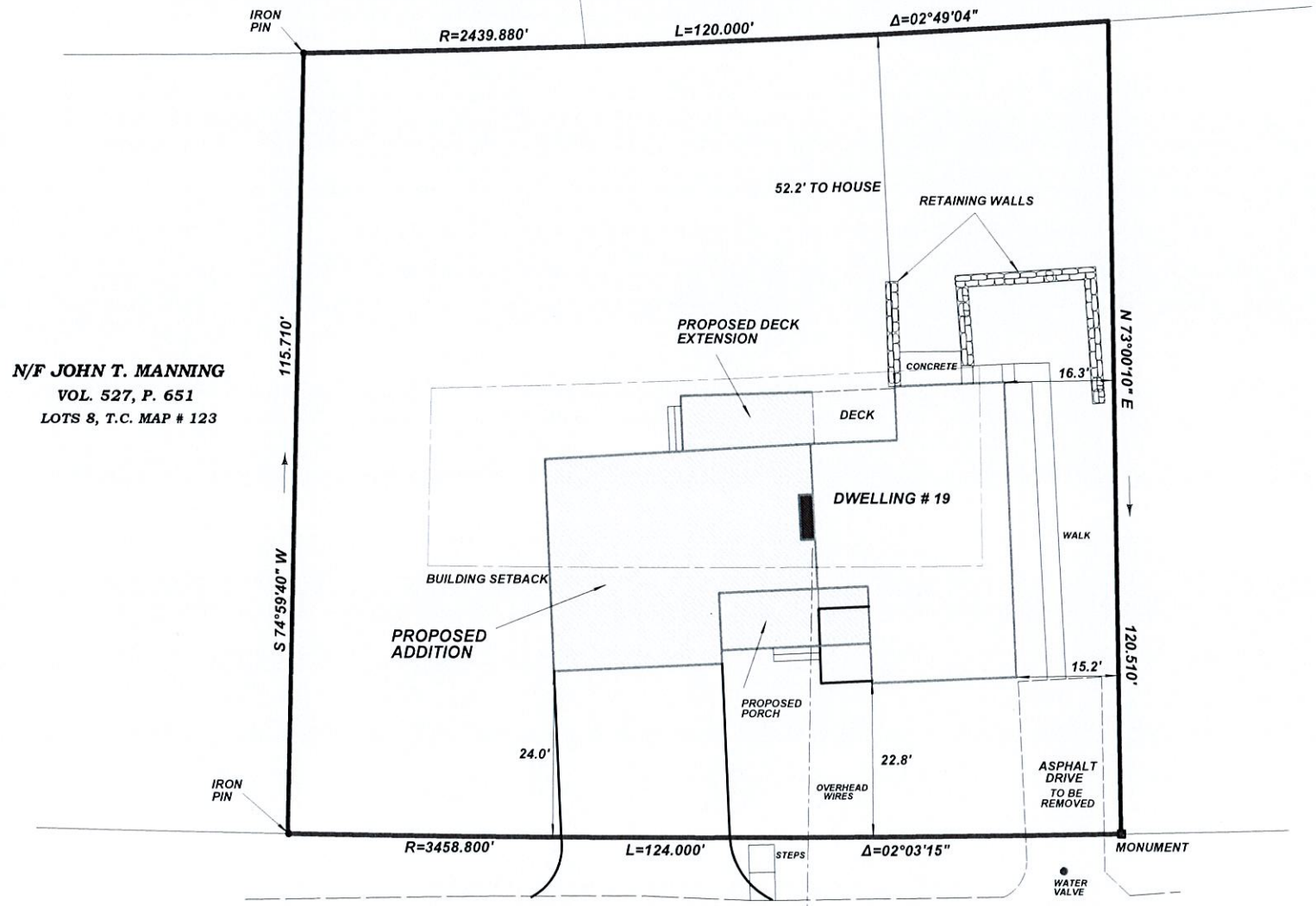
Daniel Lamb, Architect, presented the proposal for a garage addition with a vertical expansion over an existing house and stairway requiring a 22.8' front setback and 15.2' side setback with no increase in nonconformity. Joe DePaul asked the public for comment. None given. The board did not have an issue with the application. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 22.8' and a side setback to 15.2' to allow construction of a garage and vertical expansion per the plans as submitted; the hardship being the small size of the lot, July 2nd, approved 5-0. Variance granted.

Application # 27-22: DeBellis, 45 Rita Drive, for variances to Zoning Regulations 3.0.6A&B, 3.1.5A&B, 3.1.6B Side Setback to 32', 3.1.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of installing an above-ground pool. Zoning District: R-88; Map: 23; Block: 16; Lot: 42.

Owner Scott DeBellis presented the proposal to install an above-ground pool on his property. Joe DePaul noted that he had a conversation with Sanitorium Tim Simpkins over the placement of the pool. The applicant stated that they are now requesting a side setback to 33' to keep the pool in line with the house and not increase nonconformity. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that there is no increase in nonconformity. Joe DePaul made a motion to grant a variance to allow installation of an above-ground pool per the revised plans as submitted noting no increase in structural nonconformity; the hardship being the narrowness of the lot, July 2nd, approved 5-0. Variance granted.

N/F JOHN H. GORDON, trustee
VOL. 539, P. 1319
LOTS 7, 8 & 9, T.C. MAP # 123

N/F JEFFREY & AMANDA VARUGHESE
VOL. 547, P. 1
LOTS 5 & 6, T.C. MAP # 123



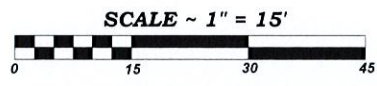
N/F MAURA COLLINS FIACCO &
DOUGLAS M. FIACCO
VOL. 383, P. 860
LOTS 4, 5 + S. 1/3 LOT 3, T.C. MAP # 123

N/F JOHN T. MANNING
VOL. 527, P. 651
LOTS 8, T.C. MAP # 123

**PROPOSED
ZONING LOCATION SURVEY**
PREPARED FOR
ANDREW J. & NAOMI MAGOON

19 SOUTHVIEW ROAD
NEW FAIRFIELD, CONNECTICUT
AREA = 14,387 SQUARE FEET
= 0.33 ACRES
ZONE ~ R 44

SEPT. 15, 2021
REVISED APRIL 19, 2022
(SHOW PROPOSED ADDITIONS)



BUILDING AREA = 1,081 sq. ft. = 7.51 %
PROPOSED ADDITION = 1,408 sq. ft.
TOTAL PROPOSED = 2,489 sq. ft. = 17.3 %

IMPERVIOUS COVERAGE = 1,755 sq. ft. = 12.20%
(DWELLING+WALKS+CONCRETE PATIOS+DRIVEWAY)
PROPOSED = 3,472 sq. ft. = 24.1 %
(DWELLING + ADDITIONS + NEW DRIVEWAY - DRIVEWAY
TO BE REMOVED)

THIS SURVEY WAS PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTION 20-300b-1 THROUGH 20-300b-20 OF THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP AND SURVEY ARE SUBSTANTIALLY CORRECT AS NOTED HEREON.

TYPE OF SURVEY ~ "ZONING LOCATION SURVEY"
BOUNDARY DETERMINATION CATEGORY ~ "DEPENDENT RE SURVEY"
CLASS OF ACCURACY ~ "A-2" LOTD 6 & 7, T.C. MAP # 123

MICHAEL J. RIORDAN
LICENSED LAND SURVEYOR, REG. # 14666
RIORDAN LAND SURVEYING
206 WEST GILBERT ROAD
SOUTHURY, CT. 06488
203-263-2727, FAX 263-4139

