

APPLICATION OR APEAL#: 34-23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: John R. Mastera, Architect
Mailing Address: 70 Turner Hill Rd. New Canaan CT 06840
Phone#: (203) 966-6696
Email: JRMastera@aol.com

ZONING BOARD OF APPEALS

AUG 17 2023

FAIRFIELD ZONING BOARD OF APPEALS

2) Premises located at: 40 Lake Drive North on the (N S E W) side of the street at approx. 560 feet (N S E W) from Sunset Trail (nearest intersecting road).

3) Property Owner Name: JIM FOLEY

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 126 Block No.: 310200 Lot No.: 49, 50, 51

5) Zone in which property is located: R-44 Area of Lot: 0.431 Acres

6) Dimensions of Lot: Frontage: 150 ft Average Depth: 126

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: We request a variance of Table of Zoning Requirements particularly for Impervious and Building Coverage. The project involves reworking and adding to an existing non-conforming residence. This includes creation of a Garage, reworking the driveway and expansion of the existing building on the property. This is a large area of undersized lots and a majority of the homes on Candlewood Isle exceed coverage. We also request that we can maintain the existing rear yard setback. The existing rear yard setback is non-conforming at 6.9 feet. We propose to keep a larger setback of 9.6 Feet for all new work.

Hardship: The lot was zoned into non-compliance when the Zoning Codes were formed. The lot is less than half of the 1 Acre this Zone imposed, and therefore with setbacks and coverage limitations, the regulation leaves little to no room for building without a variance.

11) Date of Zoning Commission Denial: July 20, 2023

12) Variance(s) Requested: () USE () DIMENSIONAL

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

#4

Setbacks Requested: Front to: 40 ft Rear to: 9 ft 6in
Side to: 20 ft Side to: 18 ft 6in

13) Use to be made of property if variance is granted: Singe 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: _____

SIGNATURE OF OWNER OR AGENT: [Signature] DATE: 7-19-23

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan G. White, Zoning Enforcement Officer

DATE: July 20, 2023

PROPERTY OWNER: Jim Foley

PROPERTY ADDRESS: 40 Lake Drive North

APPLICANT/AGENT: John R. Mastera, Architect

MAILING ADDRESS: 70 Turner Hill Road, New Canaan CT, 06840

ZONING DISTRICT: R-44 **MAP:** 15 **BLOCK:** 6 **LOT:** 53+54

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:

3.0.5-Private Permanent Detached Garage (A+B+C)

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

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

3.2.7-Maximum Building Area

3.2.8-Maximum Impervious Surface

3.2.11-Minimum Lot Dimensions

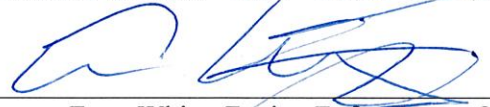
7.1.12-Improved Lots Not In a Validated or Approved Subdivision

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

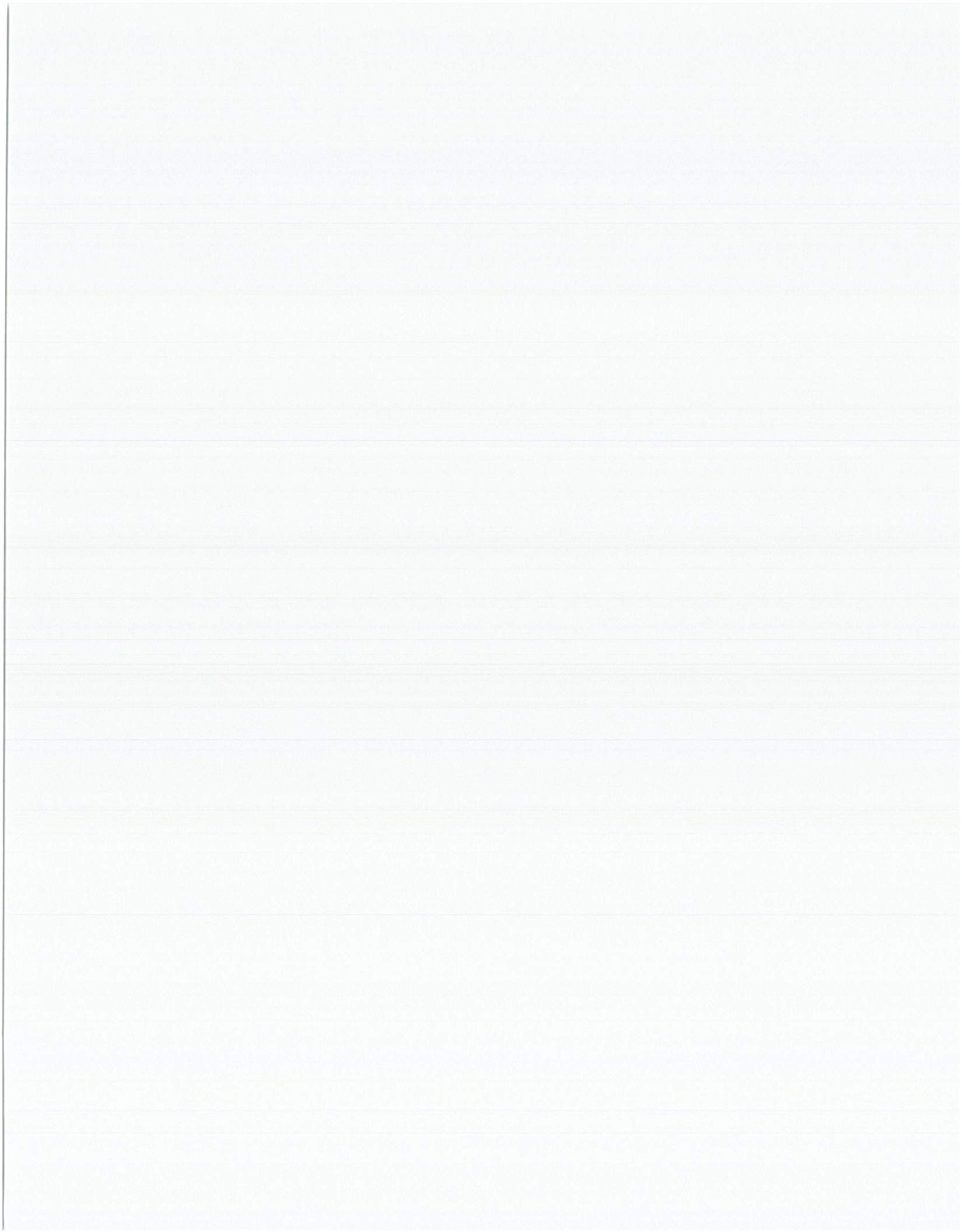
THE INFORMATION ON THIS REPORT IS TO GUIDE THE APPLICANT/PETITIONER AND THE ZONING BOARD OF APPEALS TO APPLY FOR VARIANCES AND/OR OTHER RELIEF, AND IS BASED ON REPRESENTATIONS MADE BY THE PROPERTY OWNER/APPLICANT.

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



FOLEY RESIDENCE

CANDLEWOOD ISLE LAKE HOUSE

2023



40 LAKE DRIVE NORTH
NEW FAIRFIELD, CONNECTICUT

LIST OF DRAWINGS

- A-0 Cover Sheet
- A-1 Site Plan
- A-3 First Floor Plan
- A-4 Second Floor Plan
- A-6 Exterior Elevations

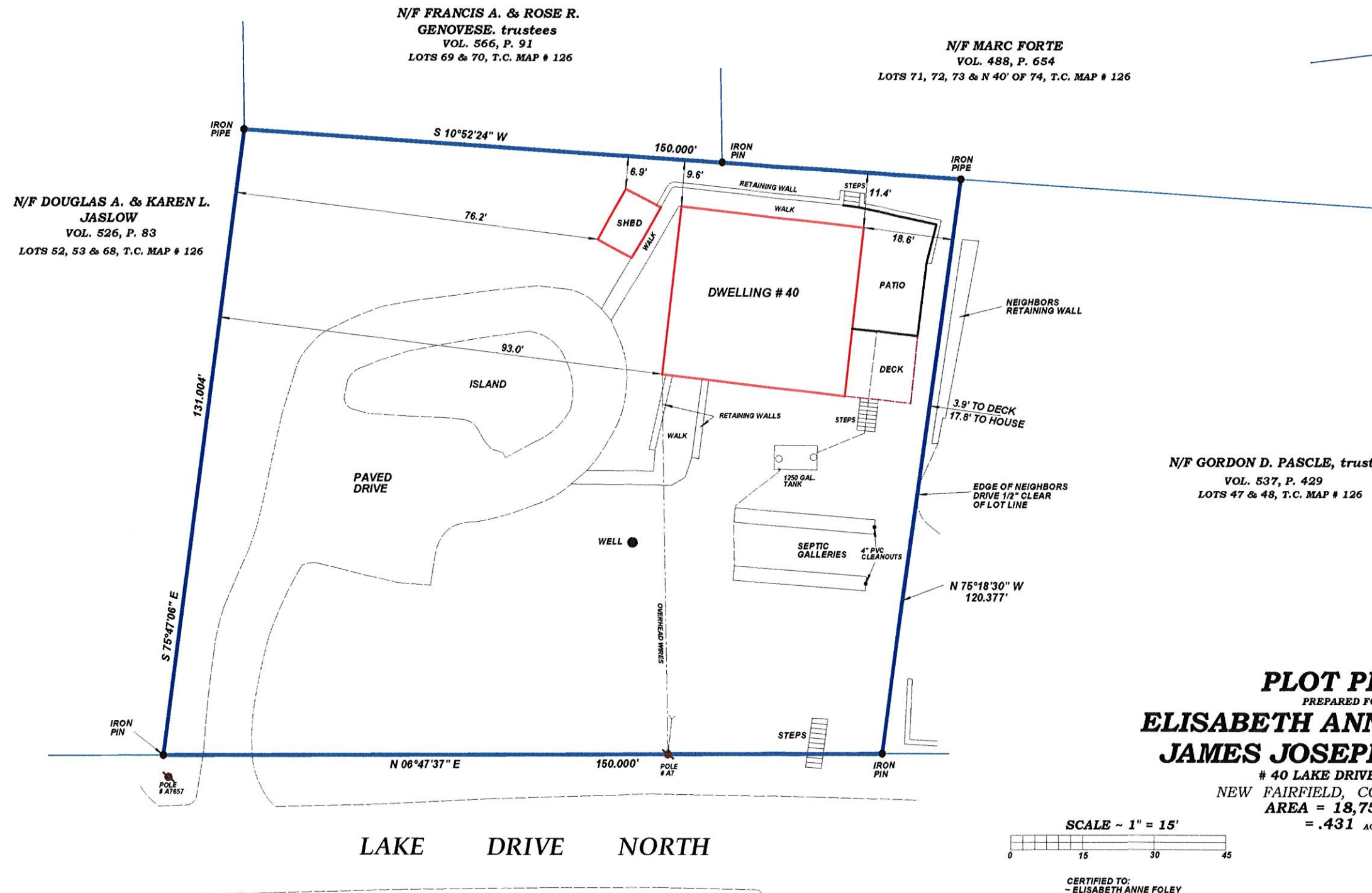
Architect: John R. Mastera, Architect, AIA, NCARB
Production, 3D/2D Design: Joseph Fantonial, Architect

ZONING SUBMITTAL SET
JULY 19, 2023

John R. Mastera +
Architects

New York
New York 10018
212 840 0004
New Canaan
Connecticut 06840
203 966 6696

Associates



PLOT PLAN
PREPARED FOR
**ELISABETH ANNE FOLEY &
JAMES JOSEPH FOLEY**
40 LAKE DRIVE NORTH
NEW FAIRFIELD, CONNECTICUT
AREA = 18,751 SQUARE FEET
= .431 ACRES



JAN. 31, 2023

CERTIFIED TO:
- ELISABETH ANNE FOLEY
- JAMES JOSEPH FOLEY
- FIRST AMERICAN TITLE INSURANCE COMPANY

**IMPERVIOUS COVERAGE = 5,432 sq. ft. = 28.97 %
(DRIVE, WALKS, PATIO, RET. WALLS, HOUSE & SHED)**

I HEREBY DECLARE THAT: (a) THE SURVEY OF THE PROPERTY DEPICTED ON THIS MAP WAS ACTUALLY MADE UPON THE GROUND ON JAN. 31, 2023; (b) THE SURVEY AND MEASUREMENT SHOWN ON THIS MAP ARE CORRECT WITHIN THE STANDARDS OF AN "IMPROVEMENT LOCATION SURVEY" OF THE BOUNDARY DETERMINATION CATEGORY "DEPENDENT RE-SURVEY" OF A CLASS OF ACCURACY OF "A-2", AS SET FORTH IN SECTIONS 20-300b-1 THROUGH 20-300b-20 OF THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., SEPTEMBER 26, 1996 AND (c) EXCEPT AS SHOWN HEREON, (i) TITLE LINES ARE SUBSTANTIALLY THE SAME AS THOSE DEFINING LOTS 49, 50 & 51 AS SHOWN ON TOWN CLERKS MAP # 126, AND THAT SAID TITLE LINES AND THE LINES OF ACTUAL POSSESSION ARE AS SHOWN; (ii) ALL BUILDINGS AND ABOVE GROUND IMPROVEMENTS ARE LOCATED AS SHOWN, ARE ERECTED ENTIRELY WITHIN THE PROPERTY LINES, AND DO NOT ENCRUCH OVER OR UPON STREET, TITLE, BUILDING, RIGHT OF WAY OR EASEMENT LINES OR APPURTENANT TO THE PROPERTY; (iii) THERE ARE NO UTILITY OR OTHER EASEMENTS OR RIGHTS OF WAY OF RECORD AFFECTING THIS PROPERTY; (iv) THERE ARE NO ABOVE GROUND ENCROACHMENTS OR PROJECTIONS ON OR OVER THE PROPERTY OR ON RIGHTS OF WAY OR EASEMENTS APPURTENANT TO THE SAME BY BUILDINGS OR IMPROVEMENTS ERECTED ON ADJACENT LAND, AND (v) WITH RESPECT TO PROPERTY SETBACKS ONLY, THE BUILDINGS OR IMPROVEMENTS ON THIS PROPERTY DO NOT VIOLATE ANY ZONING REGULATION.

MICHAEL J. RIORDAN
LICENSED LAND SURVEYOR, REG. # 14666
RIORDAN LAND SURVEYING
385 MAIN STREET SOUTH SUITE 217
SOUTHURY, CT. 06488
203-263-2727, FAX 203-4139
23-005

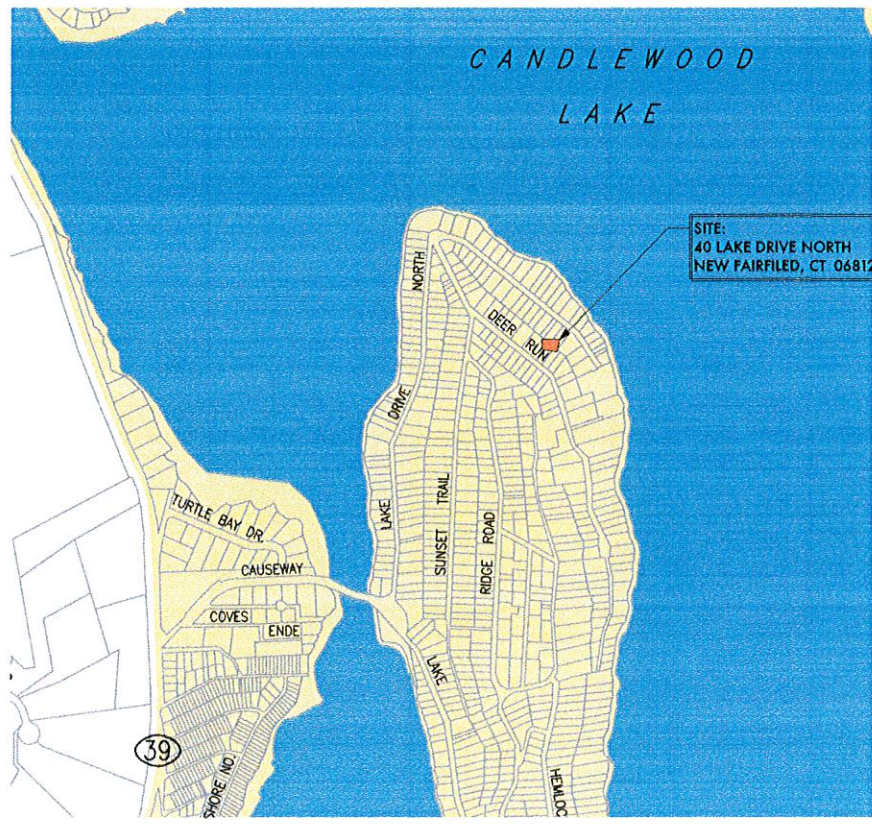
LOT AND BUILDING DATA

40 LAKEFIELD DRIVE NORTH, NEW FAIRFIELD, CONNECTICUT
LOT 49,50 & 51, MAP # 126

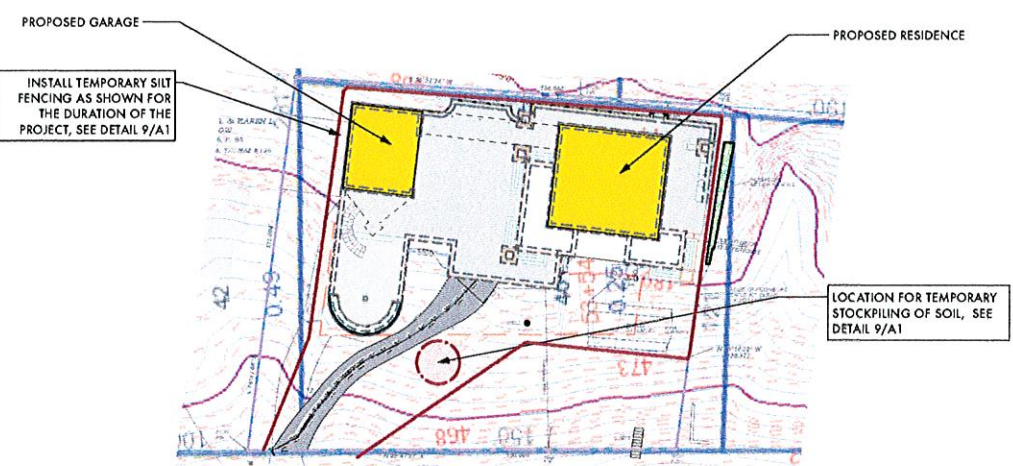
NEW FAIRFIELD ZONING DIMENSIONAL REGULATIONS
ZONING DISTRICT: RESIDENCE R-44 LOT SIZE IS: 0.431 ACRE (18,751 SF)

	REQUIRED / ALLOWED	EXISTING	PROPOSED
MINIMUM LOT AREA S.F.		18,751 SF	N/C
MINIMUM LOT WIDTH FT	100'	150'	N/C
MINIMUM YARD DIMENSIONS			
FRONT YARD	40'	74.32'	40'
SIDE YARD	20'	93'	20'
SIDE YARD	15'	18.6'	N/C
REAR YARD	25'	9.6'	N/C
MAXIMUM BUILDING HEIGHT			
PRINCIPAL BUILDING STORIES	2.5	2'5"	N/C
PRINCIPAL BUILDING FEET	35'	26'	32'10"
MAXIMUM LOT COVERAGE			
LOT AREA = 18,751 SF		6881 SF / 36.69%	7286.89 SF / 38.86%
MAXIMUM IMPERVIOUS COVERAGE			
LOT AREA = 18,751 SF		5,432 SF / 28.97%	5,433 SF / 28.97%
IMPERVIOUS COVERAGE	25%		
MAXIMUM BUILDING COVERAGE OF LOT			
LOT AREA = 18,751 SF		1,449 SF / 7.7%	2921.48 SF / 15.58%
BUILDING COVERAGE	20%		

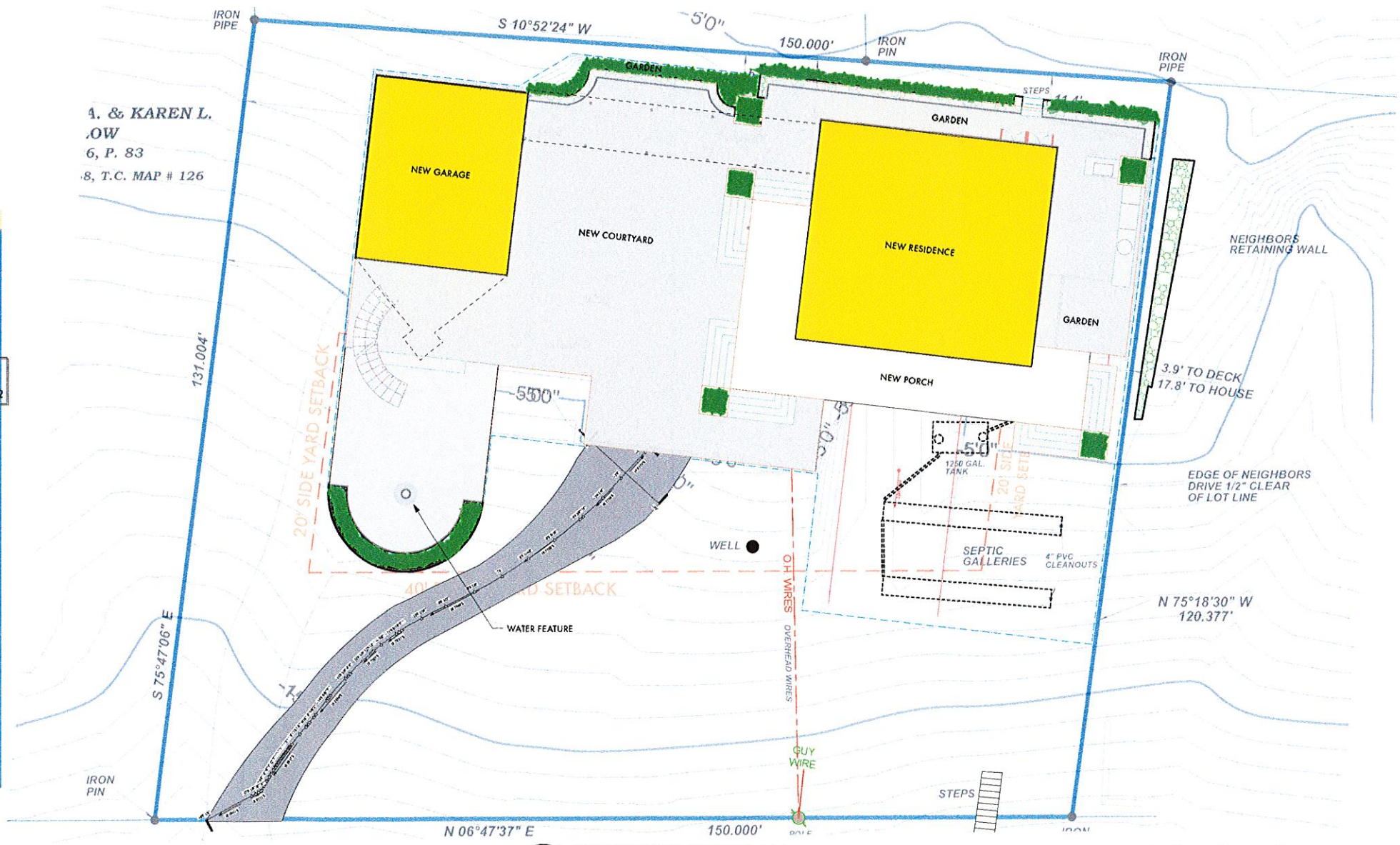
N/C = NO CHANGE



10 PROPERTY LOCATION MAP
A-1 Scale: Actual Size



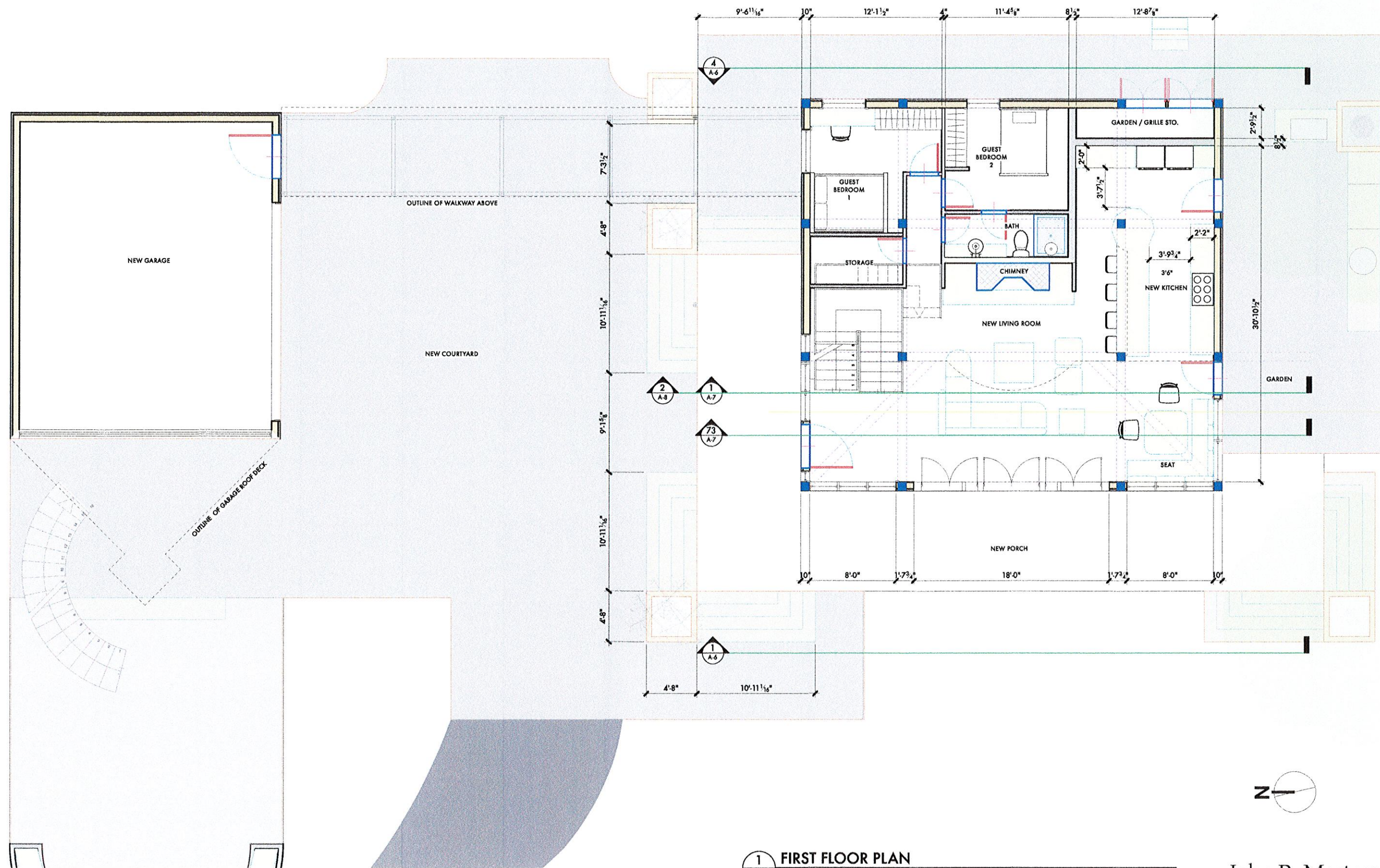
2 PLOT PLAN & SOIL EROSION PLAN
A-1 Scale: 1" = 30'-0"



1 PROPOSED SITE PLAN
A-1 Scale: 1" = 10'-0"

John R. Mastera +
Architects
New York
New York 10018
212 840 0004
New Canaan
Connecticut 06840
203 966 6696

Issue	Drawing Name	Revisions	Consultants	Project Name + Number	Date	Drawing Number
	Site Plan			2301 FOLEY LAKE HOUSE 40 Lake Drive North New Fairfield, CT 06812	JULY 19, 2023	A-1



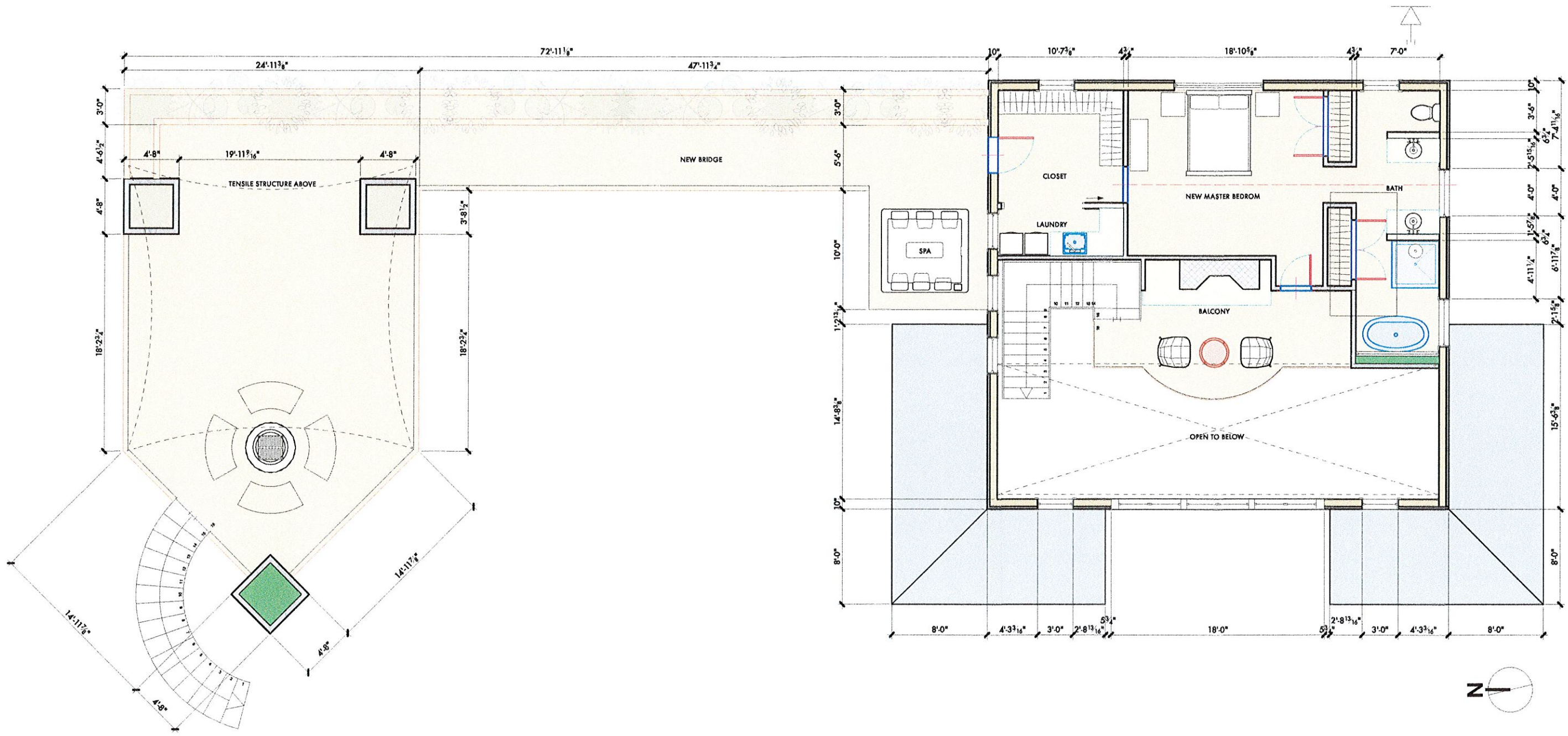
1 FIRST FLOOR PLAN
 A-3 Scale: 1/4" = 1'-0"



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 New York 10018
 212 840 0004
 New Canaan
 Connecticut 06840
 203 966 6696

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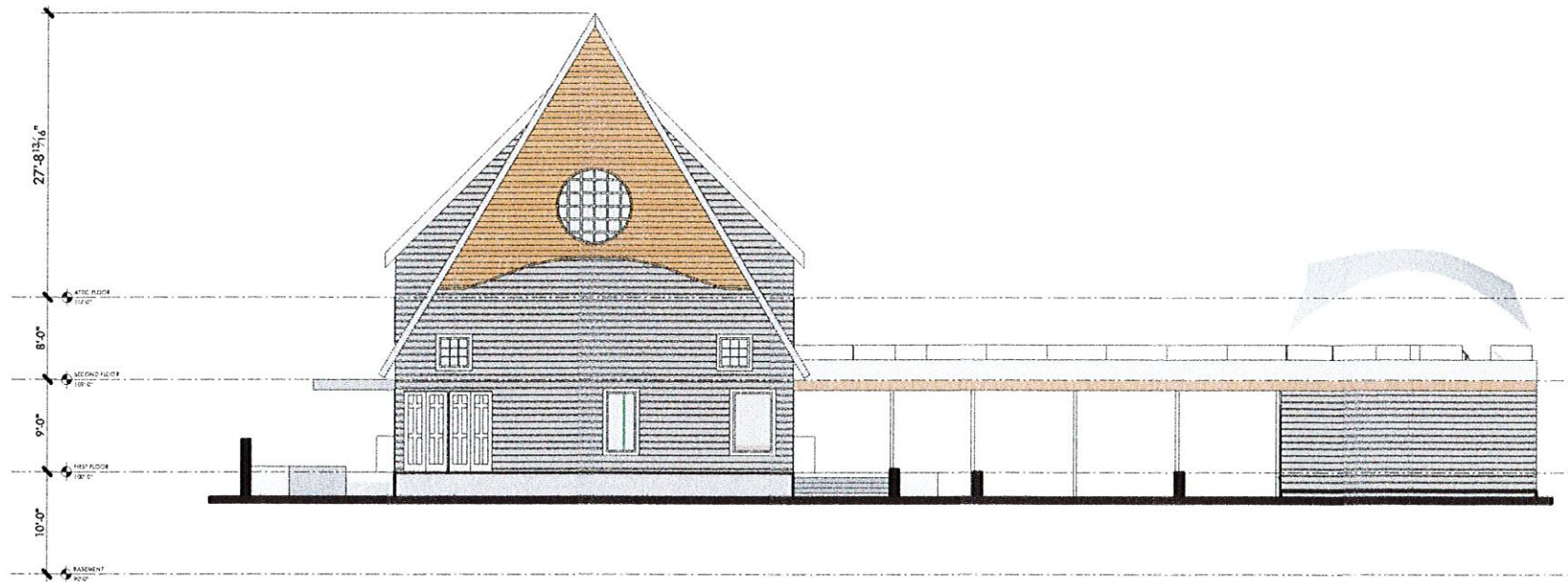
Issue	Drawing Name	Revisions	Consultants	Project Name + Number	Date	Drawing Number
	First Floor Plan			FOLEY LAKE HOUSE 40 Lake Drive North New Fairfield, CT 06812	JULY 19, 2023	A-3



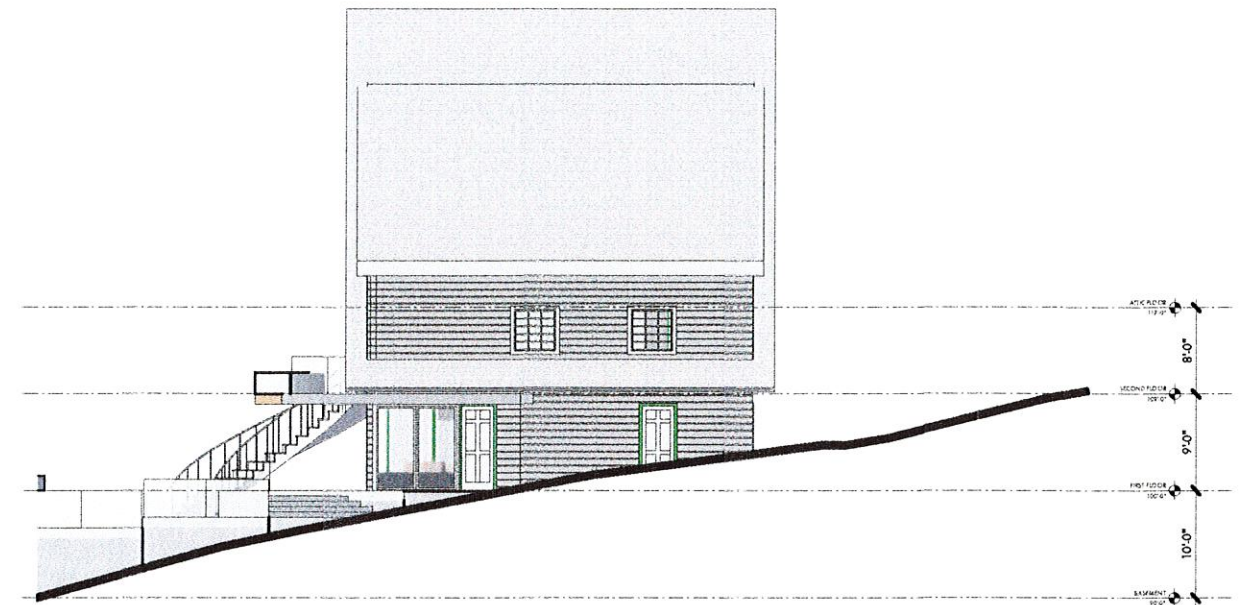
1 SECOND FLOOR PLAN
 A-4 Scale: 1/4" = 1'-0"

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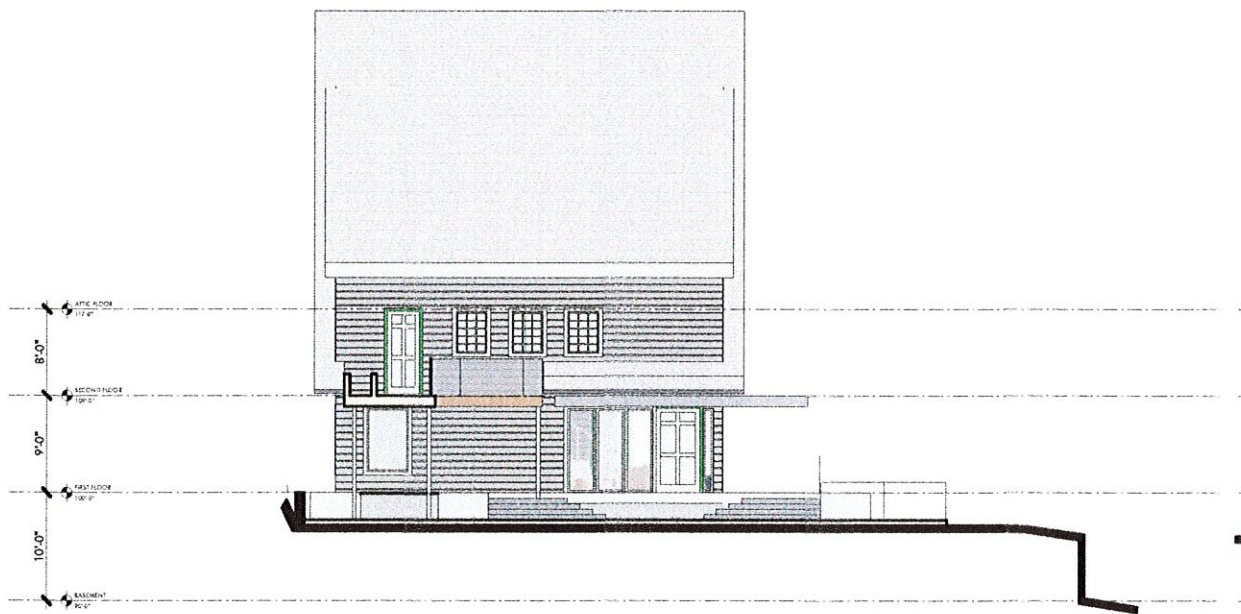
Issue	Drawing Name	Revisions	Consultants	Project Name-Number	Date	Drawing Number
	Second Floor Plan			2301 FOLEY LAKE HOUSE 40 Lake Drive North New Fairfield, CT 06812	JULY 19, 2023	A-4



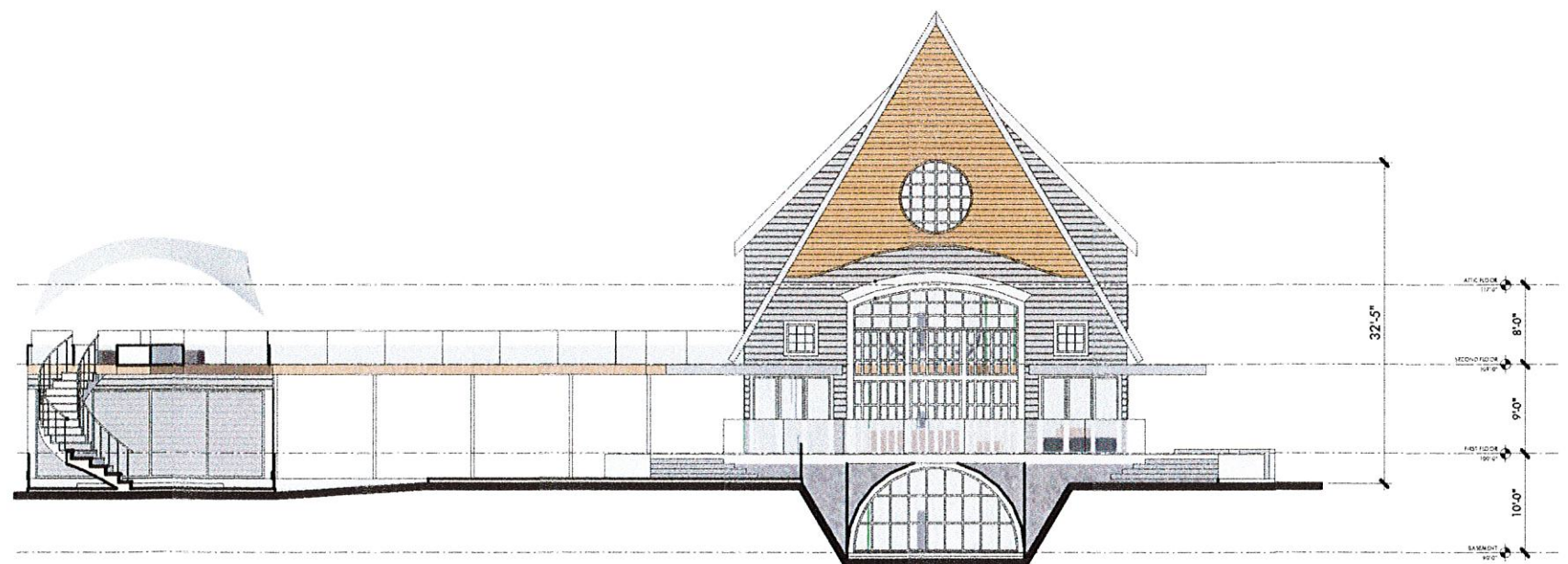
4 WEST EXTERIOR ELEVATION (BACK)
A-6 Scale: 1/8" = 1'-0"



2 SOUTH EXTERIOR ELEVATION
A-6 Scale: 1/8" = 1'-0"



3 NORTH EXTERIOR ELEVATION
A-6 Scale: 1/8" = 1'-0"



1 EAST EXTERIOR ELEVATION (FRONT)
A-6 Scale: 1/8" = 1'-0"

Issue	Drawing Name	Revisions	Consultants
	Exterior Elevations		

Project Name + Number
2301
FOLEY LAKE HOUSE
40 Lake Drive North
New Fairfield, CT 06812

Date
JULY 19, 2023

A-6

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New Canaan
Connecticut 06840
203 966 6696

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Architects Associates

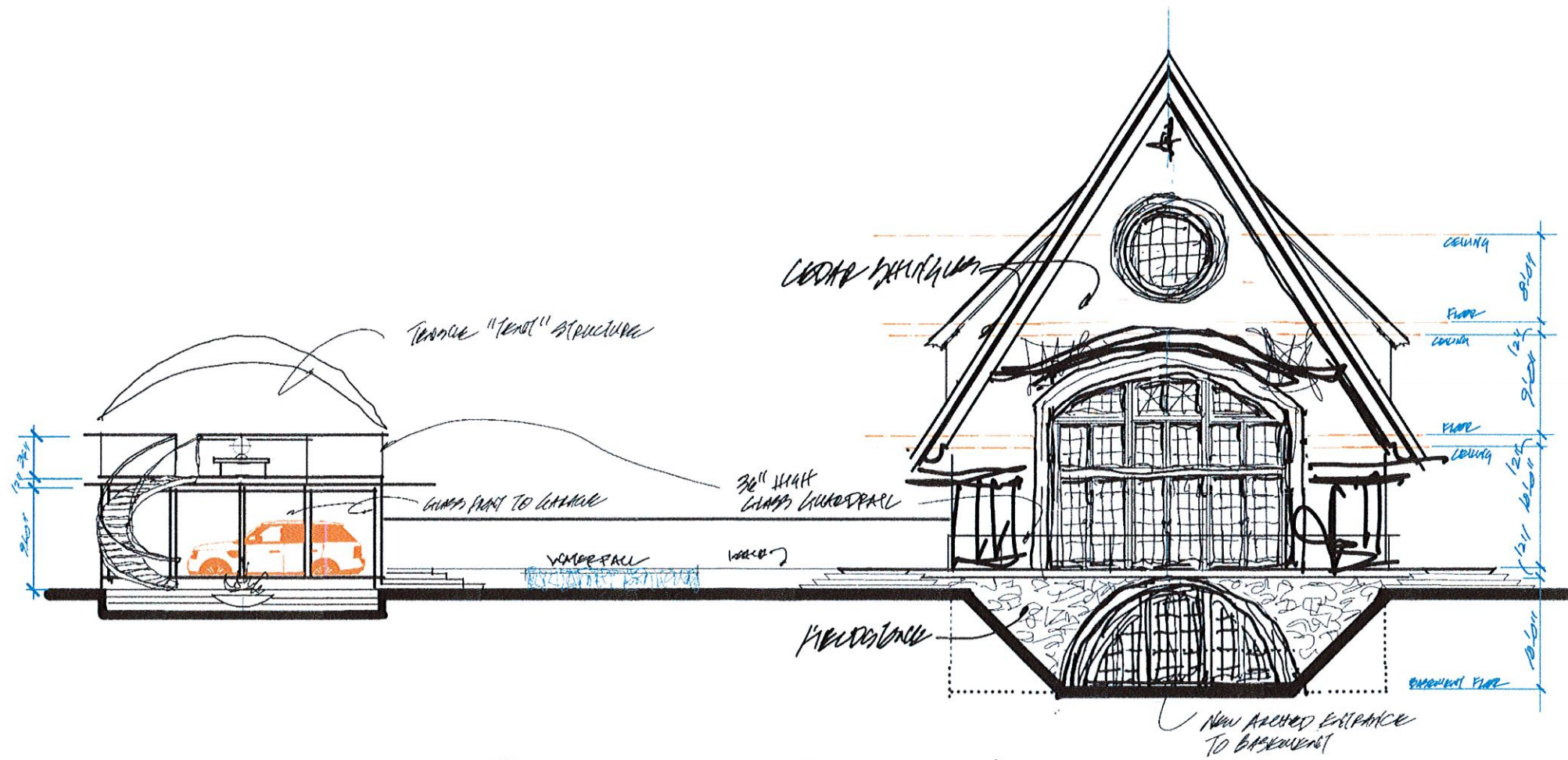
New York
 New York 10018
 212 840 0004

New Canaan
 Connecticut 06840
 203 966 6696

240
 JK

PERSPECTIVE @ FRONT
 FOLEY RESIDENCE, CANTONMENT MA

JK



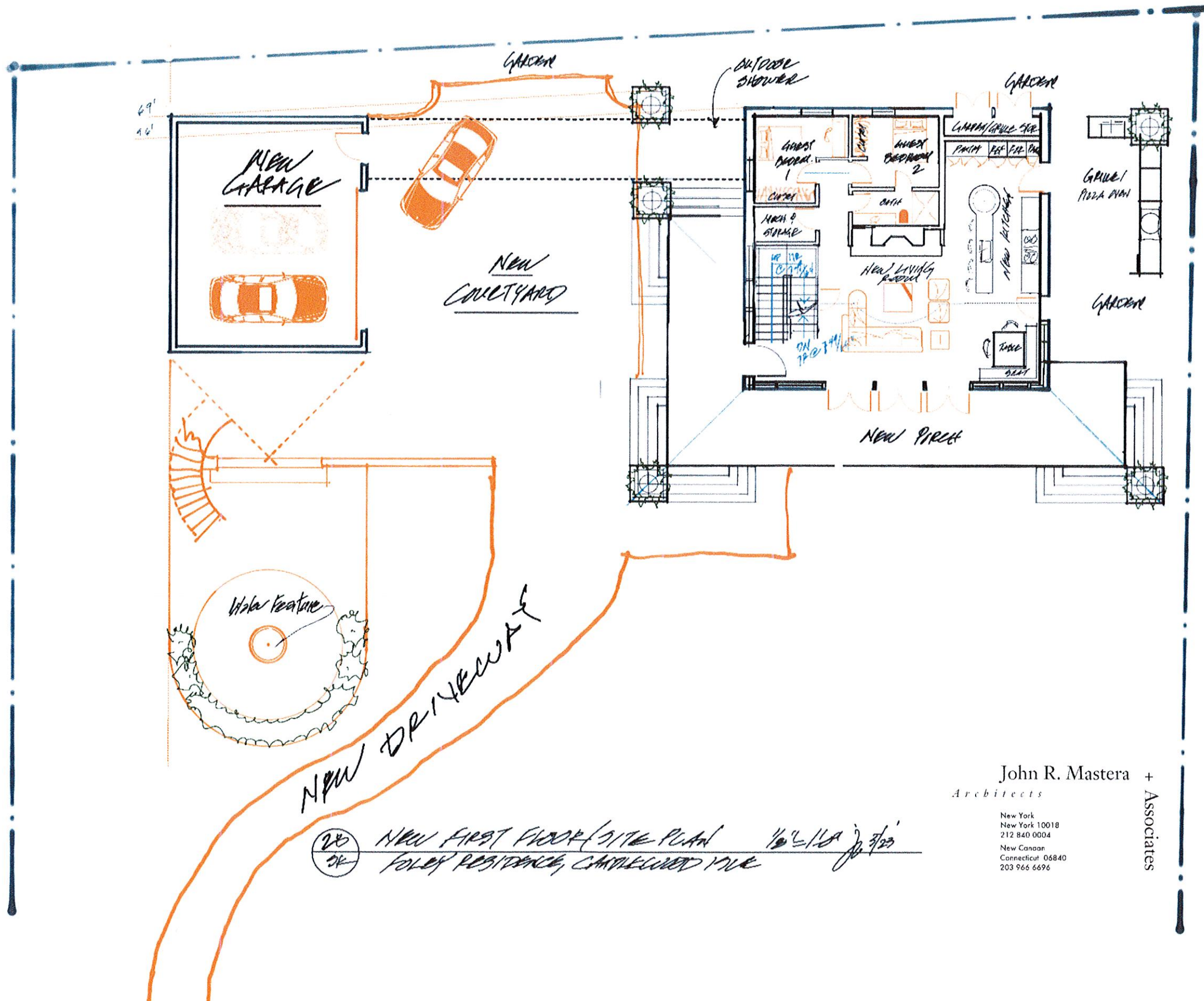
20
 JK
 WEST ELEVATION (FRONT) 1/8" = 1'-0"
 POLLY RESIDENCE

NEW ARCHED ENTRANCE
 TO BASEMENT

John R. Mastera +
 Architects

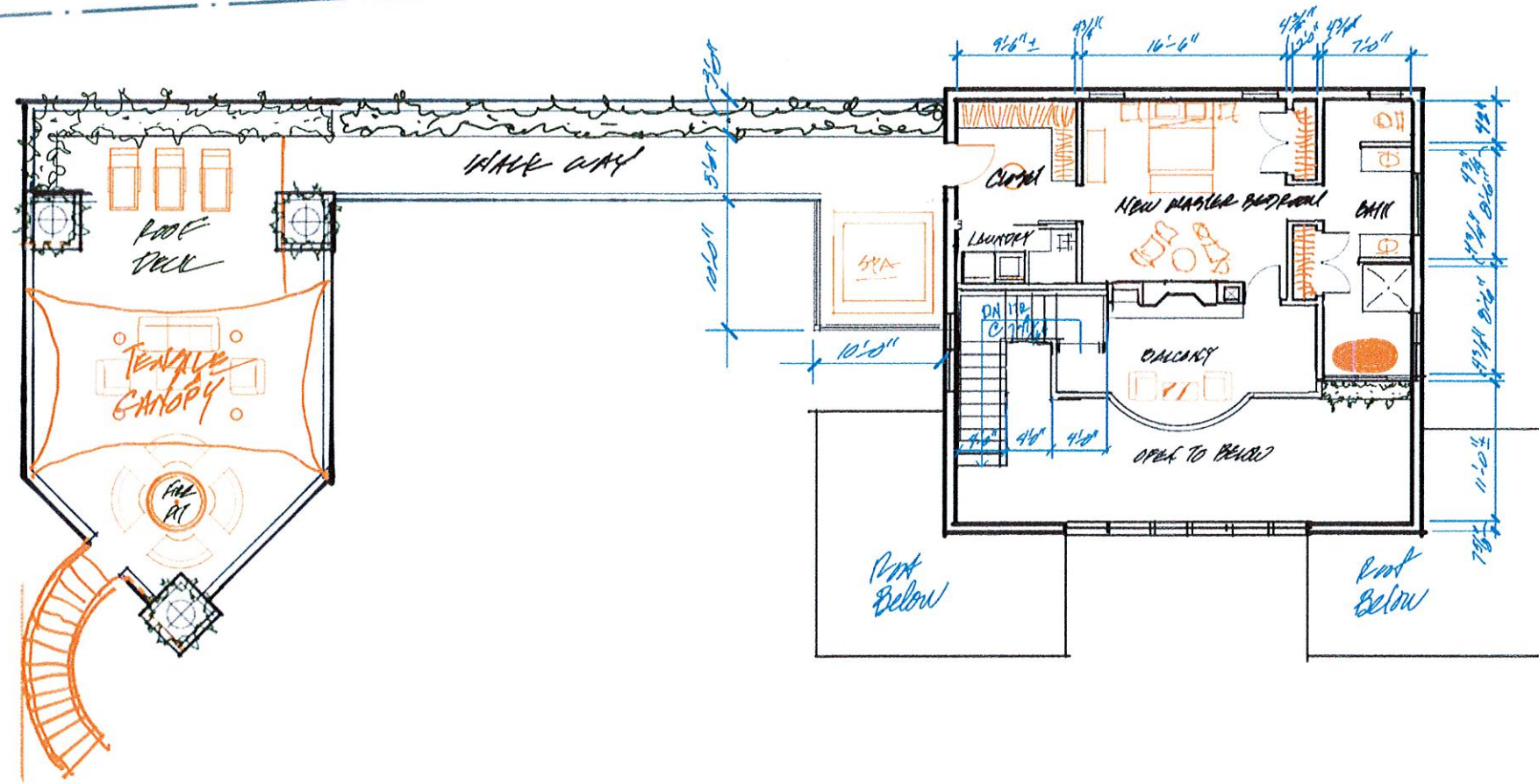
New York
 New York 10018
 212 840 0004
 New Canaan
 Connecticut 06840
 203 966 6696

+ Associates



20
 OK
 NEW FIRST FLOOR / SITE PLAN 1/2" = 1'-0" JRM 3/23
 FOLEY RESIDENCE, CANTONMENT RD

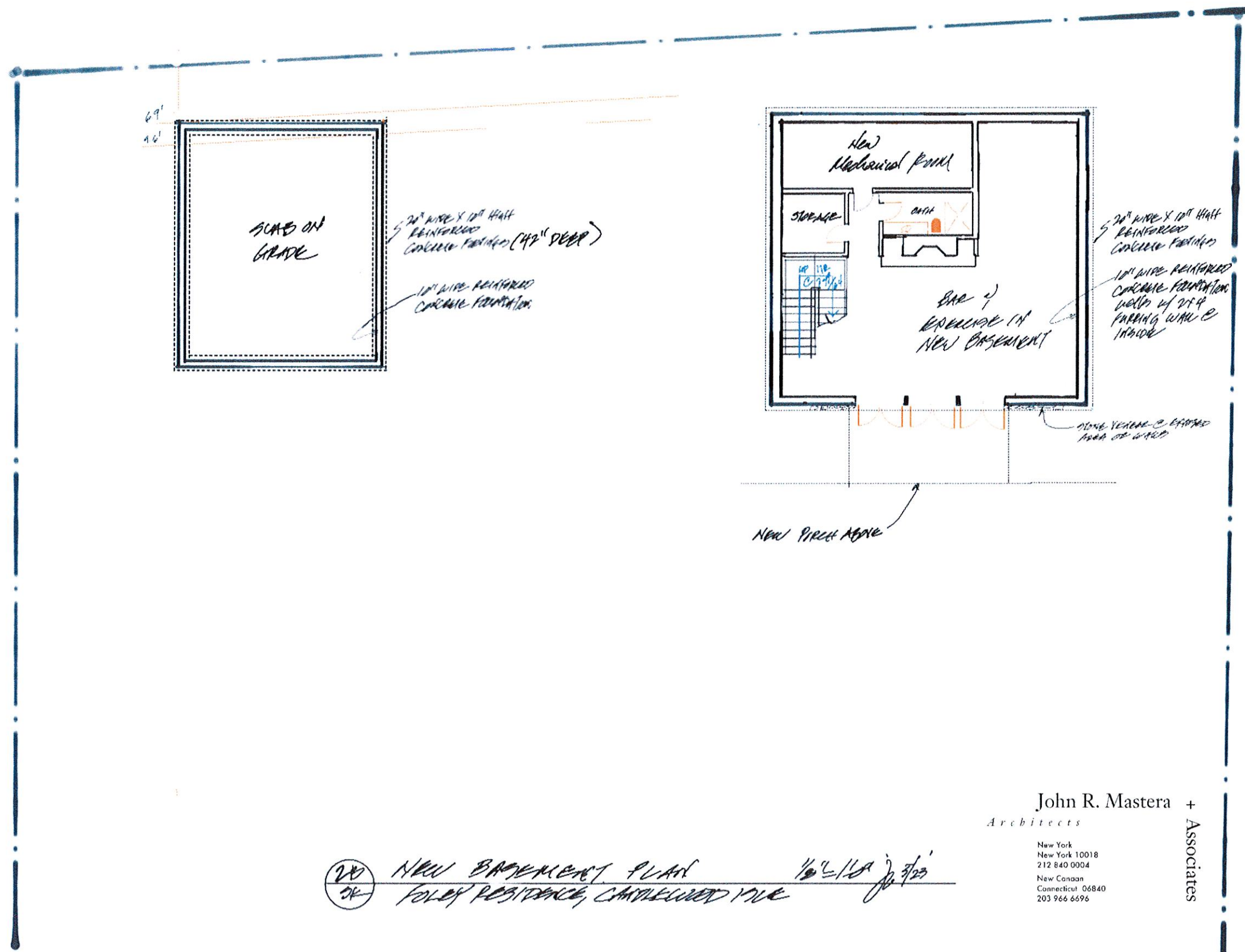
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 Connecticut 06840
 203 966 6696



200
TK
 NEW SECOND FLOOR PLAN 1/25/18
 FOLEY RESIDENCE, CAMPWOOD PARK for 4/20

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20
OK

NEW BASEMENT PLAN
FOLEY RESIDENCE, CANTONMENT YOLK

1/2" = 1'-0" J.R. 3/23

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Architects

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New Canaan
Connecticut 06840
203 966 6696

+ Associates

