

APPLICATION OR APEAL#: 39-20

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: 20 Overlook Road LLC (Roberta P. Anderson)
Mailing Address: 15 Kepler's way managing member
New Fairfield, CT 06812 Phone#: 203 536-6863
Email: slalomskier64@gmail.com

2) Premises located at: 20 Overlook Road, N.F., CT on the (N S E W) side of the street
at approx. 50 feet (N S E W) from Ridgeway Road (nearest intersecting road).

3) Property Owner Name: 20 Overlook Road, LLC

Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 45 Block No.: 5 Lot No.: 49, 50, 51

5) Zone in which property is located: R-44 Area of Lot: 29,657 SF

6) Dimensions of Lot: Frontage: 108 +/- Average Depth: 100'

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? Yes

If so, give dates and application numbers: 12/13/18 App.# 49-18 ; 10/21/19 App# 61-19

10) Proposal for which variance is requested: Front setback to 27' (previously granted to 29'); Side setback to 11' (previously granted to 13') to Allow for Actual location of completed home on the AS-BUILT survey dated April 1, 2020.

Hardship: topography, existing conditions, extraordinary circumstances of destruction

11) Date of Zoning Commission Denial: Sept 29, 2020

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

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

Setbacks Requested: Front to: 27 Rear to: 39
Side to: 11 Side to: 87

13) Use to be made of property if variance is granted: Single Family 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: Roberta P. Anderson DATE: 8/27/20

#5

received
9-23-20

**TOWN OF NEW FAIRFIELD
ZONING REPORT**

SUBJECT: VERIFICATION OF NON-COMPLIANCE

FROM: Evan White, Zoning Enforcement Officer

DATE: September 24, 2020

PROPERTY OWNER: 20 Overlook Road LLC.

PROPERTY ADDRESS: 20 Overlook Road

APPLICANT/AGENT: Roberta P. Anderson

MAILING ADDRESS: 20 Overlook Road

ZONING DISTRICT: R-44 **MAP:** 45 **BLOCK:** 5 **LOT:** 49, 50, 51

Please be advised that the owner would like (see application description).

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

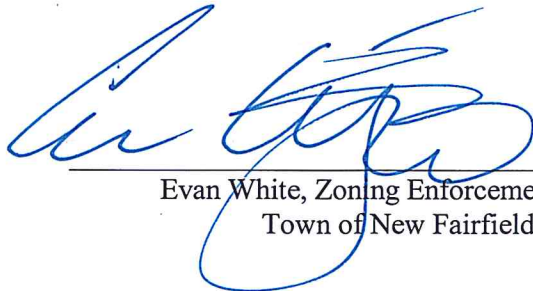
Sections:

- 3.2.5-Minimum Lot Area and Frontage (A)
- 3.2.6- Minimum Building and Structure Setbacks (A+B+C)
- 3.2.11-Minimum Lot Dimensions
- 7.1.12-Improved Lots Not in a Validated or Approved Subdivision

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

OWNERSHIP NOTES:
 1. OWNERS OF RECORD: 20 OVERLOOK ROAD, LLC - VOL.527 PC.895 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 SEPTEMBER 28, 1996. IT IS AN IMPROVEMENT LOCATION SURVEY BASED ON HORIZONTAL ACCURACY CLASS A-2.
- MONUMENTATION FOUND FOR SET DEPICTED HEREON.
- REFERENCE MADE TO MAP NO. 100 OF THE NEW FAIRFIELD LAND RECORDS.
- REFERENCE TO EASEMENT RECORDED IN VOL.147 PC.617 OF THE NEW FAIRFIELD LAND RECORDS SHOWING LOTS 39, 118 & 119 CANDLEWOOD KNOLLS SECTION 4, NEW FAIRFIELD, CONNECTICUT.
- REFERENCE MADE TO MAP ENTITLED "MAP PREPARED FOR ROBERT J. PREIS & ROSEMARY C. PREIS DATED APR. 23, 1979
- REFERENCE MADE TO MAP ENTITLED "MAP PREPARED FOR RICHARD B. MORGAN CRESTWAY & OVERLOOK ROAD NEW FAIRFIELD, CT AREA-29.657 SQ. FT. - 0.6808 AC. SCALE 1"=20' MAY 14, 2020 BY T.J.R.
- REFERENCE MADE TO IMPROVEMENT LOCATION SURVEY PREPARED BY THIS OFFICE DATED JULY 18, 2020 BY T.J.R.
- SUBJECT TO CONDITIONS AND RESTRICTIONS RECORDED IN VOL.12 PC.560, VOL.14 PC.74, VOL.25 PC.215, VOL.84 PC.259, VOL.66 PC.281 AND VOL.147 PC.617 OF THE NEW FAIRFIELD LAND RECORDS.
- SUBJECT TO CONDITIONS SET FORTH IN VOL.533 PC.742 OF THE NEW FAIRFIELD LAND RECORDS.
- REFERENCE MADE TO VARIANCES GRANTED AND RECORDED IN VOL.635 PC.371 (#49-18) AND VOL.640 PC.116 OF THE NEW FAIRFIELD LAND RECORDS.

ZONING DATA - R-44 (SEC.3.0.2.A)	
GENERAL PROVISIONS	PERMITTED EXISTING
a. MINIMUM LOT AREA	18,500 Sq. Ft. 1,607 Sq. Ft.
b. MINIMUM ROAD FRONTAGE	125.0' 109.5'
c. MINIMUM FRONT YARD	40.0' 27.8'
d. MINIMUM SIDE YARD	20.0' 11.0' (0)
e. MINIMUM REAR YARD	50.0' 39.5'
f. MAXIMUM HEIGHT	35.0' 19.5'
g. MAXIMUM BUILDING AREA	30%
h. MAXIMUM IMPERVIOUS COVERAGE	25%
i. L.P.C.	11.P.C.

VARIANCE (granted) NOTES: R-44 ZONE

- VARIANCE GRANTED TO SECTION 3.2.5A, 3.2.6A, B & C, 3.2.11 AND 3.2.12 OF THE NEW FAIRFIELD ZONING REGULATIONS. (#19-18)
 VARIANCE DESCRIPTION:
 A FRONT SETBACK TO 13' AND REAR SETBACK TO 10' FROM THE FRONT AND REAR YARD LINES. A SIDE SETBACK TO 10' FROM THE SIDE YARD LINES. A PORCH AND STAIRWAY PER THE PLANS SUBMITTED TO THE ZONING BOARD OF APPEALS ON DECEMBER 13, 2018.
- VARIANCE GRANTED TO SECTION 3.2.5A, 3.2.6A, 3.2.11 AND 3.2.12 OF THE NEW FAIRFIELD ZONING REGULATIONS. (#1-19)
 VARIANCE DESCRIPTION:
 TO ALLOW CONSTRUCTION OF A COVERED PORCH AND STAIRWAY PER THE PLANS AS SUBMITTED TO THE ZONING BOARD OF APPEALS ON OCTOBER 21, 2019.

AS-BUILT

IMPROVEMENT LOCATION SURVEY

PREPARED FOR
20 OVERLOOK ROAD, LLC.
 DEPICTING PROPERTY SITUATED AT
 20 OVERLOOK ROAD
 NEW FAIRFIELD, CONNECTICUT
 TAX ASSESSOR MAP 45 ~ BLOCK 5 ~ LOTS 49, 50 & 51

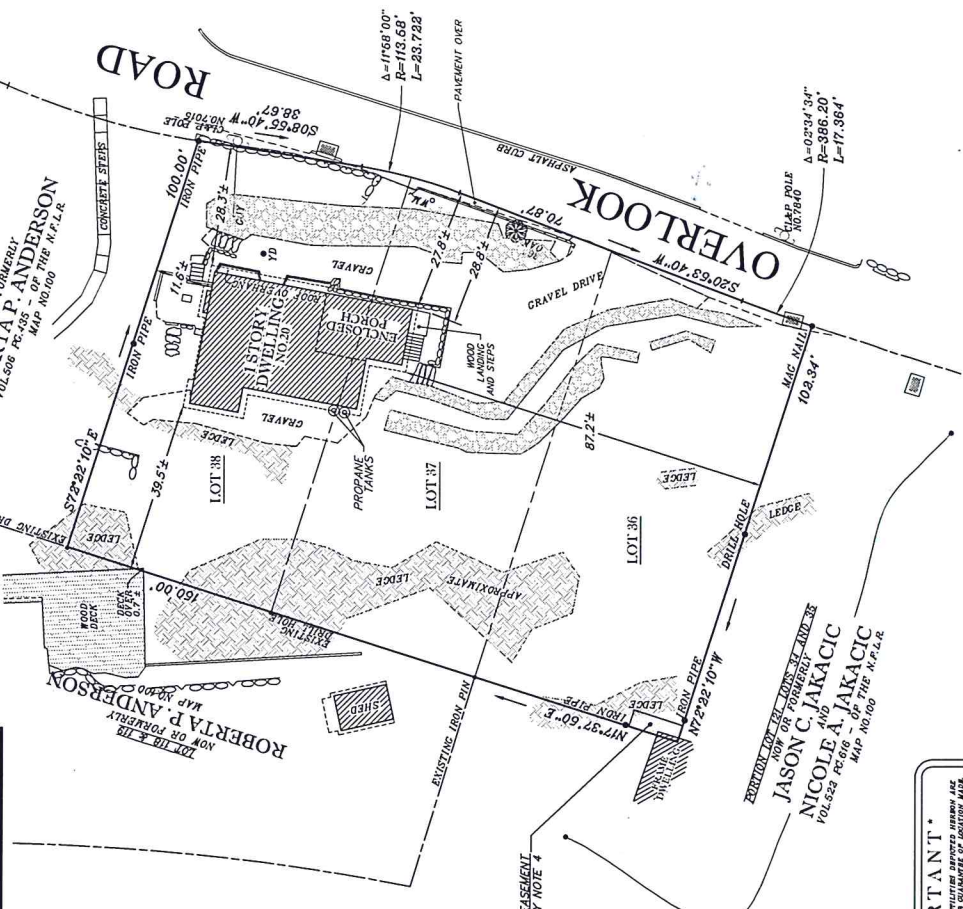
SCALE: 1"=20'
 AREA: 15,667 Sq. Ft. (T)
 DRAWN BY: T.J.R.
 Sydnev A. Rapp Land Surveying, P.C.
 131 Grand Street, Berlin, Connecticut 06031
 email: info@sydnevlansurveying.com • Phone: (860)714-6261

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



LEGEND

- CATCH BASIN
- UTILITY POLE
- FIRE HYDRANT
- STORM MANHOLE
- OVERHEAD SERVICE WIRES
- EDGE OF PAVEMENT
- CURBING (TYPE VARIES)
- WATER METER
- GAS VALVE
- LIGHT POLE
- WOOD FENCE
- APPROXIMATE LEDGER



*** IMPORTANT ***
 LOCATION OF ALL UTILITIES SHOWN ARE APPROXIMATE. NO WARRANTY OR GUARANTEE OF EXACT LOCATION.
 PRIOR TO ANY CONSTRUCTION OR RELOCATION WORK, CALL BEFORE YOU DIG-811 or (800)922-4465

Client:
Anderson Residence
 20 Overlook Road
 New Fairfield, Connecticut

Architect:
**Nehring + Associates
 Architecture, LLC**
 152 Deer Hill Avenue
 Suite 304
 Danbury, CT
 06810

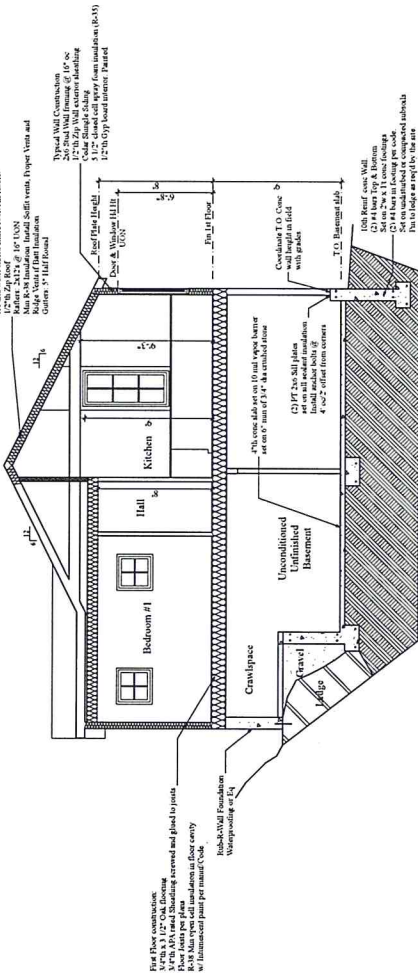
Permit & Construction Documents

Client:
Anderson Residence
 20 Overlook Road
 New Fairfield, Connecticut

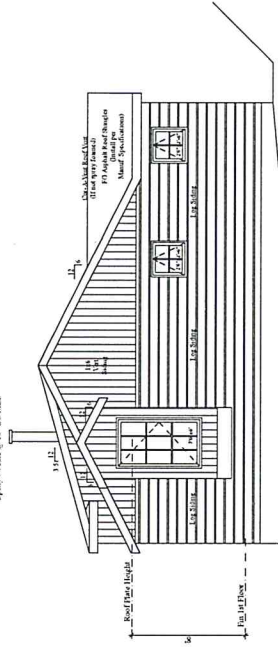
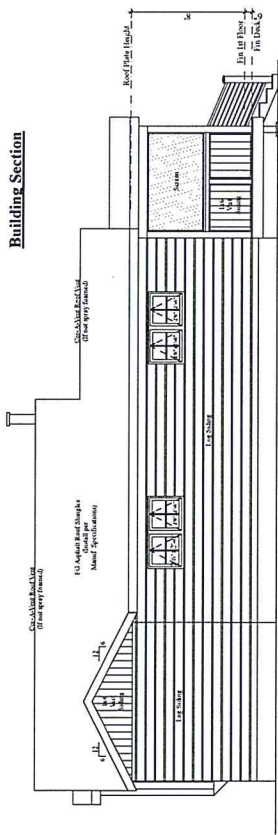
Architect:
**Proposed Elevations
 & Building Section**
 # 14-140

DATE	15 JAN 2014 REV 1	15 JAN 2014
DRAWN	AK	AK
CHECKED	AK	AK
SCALE	A-3	
NEHRING + ASSOCIATES ARCHITECTURE, LLC		

1/2" = 1'-0" (1/4" = 1'-0") unless otherwise indicated per manufacturer specifications
 All elevations are shown in black ink on white paper. All elevations are shown in black ink on white paper. All elevations are shown in black ink on white paper.

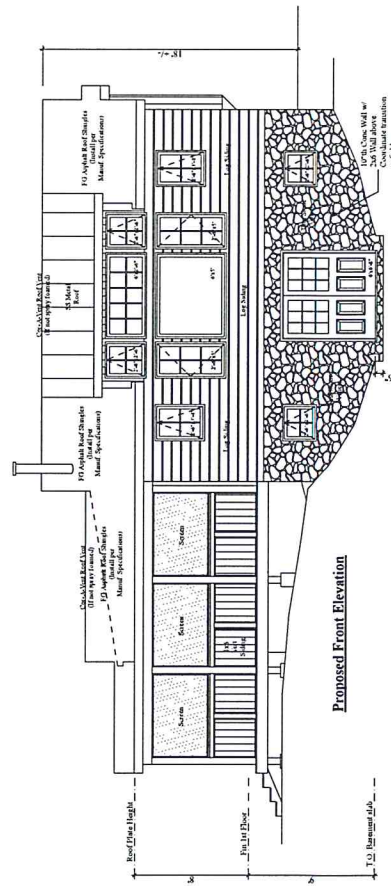


Building Section

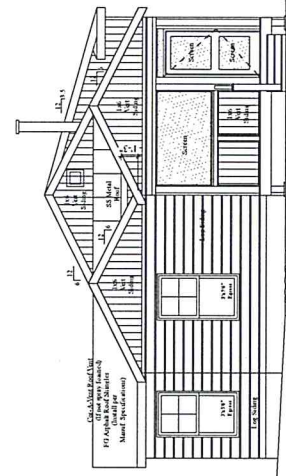


Proposed Rear Elevation

Proposed Right Side Elevation



Proposed Left Side Elevation



Proposed Front Elevation

Client
Anderson Residence
 20 Overlook Road
 New Fairfield, Connecticut

Nehring + Associates
 Architecture, LLC
 132 Deer Hill Avenue
 Suite 304
 Danbury, CT
 06810

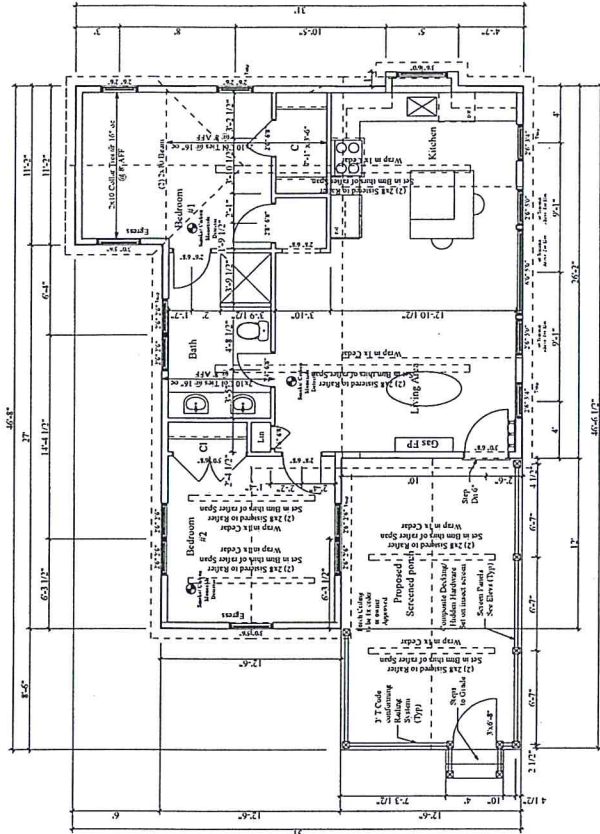
Permit & Construction Documents

Client
Anderson Residence
 20 Overlook Road
 New Fairfield, Connecticut

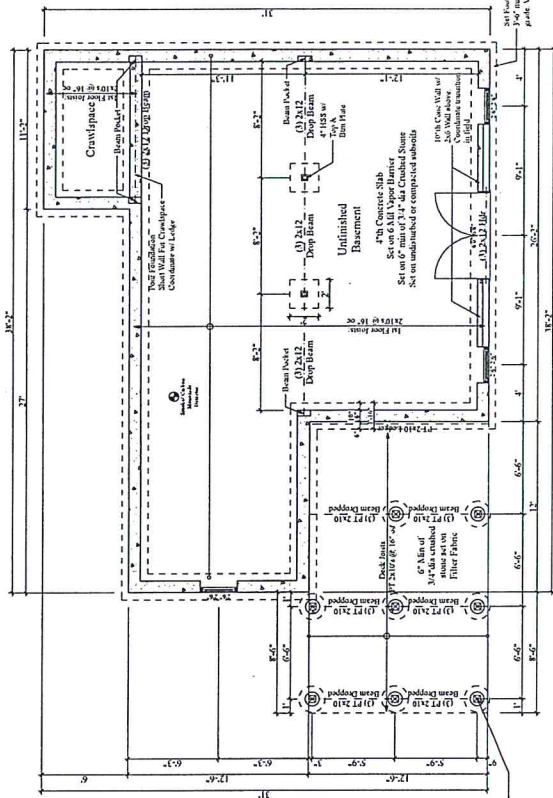
Proposed
Foundation &
1st Floor Plan
 @ 1/4"=1'-0"

A-1

Nehring + Associates Architecture, LLC



Proposed 1st Floor Plan



Proposed Foundation Plan

- GENERAL NOTES**
- All work shall be in accordance with State of Connecticut Building Code, International Building Code, and all applicable regulations of the New Fairfield Health Department.
 - Comply with all regulations and standards of utility companies.
 - Complete with all "Call before you dig" notification.
 - Contractor shall be solely responsible for job site safety, and compliance with all applicable state, Federal and local regulations, including but not limited to Occupational Safety and Health Act (OSHA).
 - Detailed Design of HVAC, Plumbing, and Electrical systems shall be by Mechanical and Electrical Contractors.
 - Site surveying by others.
 - Contractor shall verify all conditions of field. Make adjustments if found to be in error.
 - These drawings show the scope and location of work. They are not to be used as a guide for construction. All materials, methods, and details shall be approved by owner prior to starting any work.
 - Provide waterproof exterior on all exterior walls as lead manufacturer, manufacturer, or contractor, etc.
 - All steelwork and grouting to be discussed in field.
 - Contractor to remove all unwanted materials from site; owner has all debris from site.

- FOUNDATION NOTES**
- Footings shall be 24" wide by 12" tall concrete. The top surface shall be finished with a 1/2" thick concrete. See Foundation Plan.
 - Place footing on undisturbed soil, 1'-0" min below finished grade. The top surface shall be finished with a 1/2" thick concrete. See Foundation Plan.
 - Place concrete only when temperature will remain above 40 degrees F for 48 hours after pour. See minimum values when concrete is placed.
 - Walls shall be cast-in-place 12" thick wall concrete, 3000 psi minimum unless otherwise noted. M.O.N.
 - Place 3/4" dia. rebar, 2'-0" on center, with two bars at each corner 1'-0" offset.
 - Rebar shall be 4" thick concrete or 6" dia. rebar over 6 mil poly vapor barrier on suitable base.
 - The concrete shall be kept moist in field.
 - Stop footing where shown on plan or where required by law.
 - Foundation and provide all required sleeves through foundation walls for all utilities.
- PT 6x6 Posts, Chl in A-1.6. See Elev. Set on 12" dia. concrete floor. All dimensions are to center of footing. See notes for proper bearing (199).

**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: 20 Overlook Road LLC

PROPERTY LOCATED AT: 20 Overlook Road

ZONING DISTRICT: R-44; Map: 45; Block: 5; Lot: 49, 50, 51

VARIANCE DESCRIPTION: A front setback to 29' to allow construction of a covered porch and stairway per the plans as submitted to the Zoning Board of Appeals on October 21, 2019.

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

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on October 21, 2019.

Application # 61-19

Dated: October 21, 2019

Joseph DePaul

Joseph DePaul, Chairman
Zoning Board of Appeals

shared driveway and that the neighbors had no objections. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul and Vinny Mancuso both had no problem with the application. Joe DePaul made a motion to grant a variance to legalize an existing apartment; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 60-19: McEnery, 7 Penny Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 21', 3.2.6B Side Setbacks to 11' and 15', 3.2.6C Rear Setback to 31', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 3-season room over an existing patio with an open deck above. Zoning District: R-44; Map: 10; Block: 11; Lot: 11.

Tammy Zinick, Permit Me Please, returned to the board with the items the board requested at last month's meeting including the existing and proposed setbacks, a copy of the 2010 minutes describing the approved variance, design overhangs, and an email from Richard Howard (North by Northeast Survey and Mapping Consultants) to Brian Wood at First Light regarding the 440 line. A lengthy discussion ensued about setbacks and what was granted in 2010. The ZBA file is missing from the town files and the original variance was never filed with the Town Clerk. ZBA Secretary, Joanne Brown, stated that she would look through the computer files for the original variance. The board questioned the setbacks that were previously granted and the rear setback increase from 45' to 31'. The board asked for more documentation to make a decision. The proposal will be continued to next month for further investigation. Vinny Mancuso made a motion to continue, duly 2nd, approved 5-0. Application continued.

Application # 61-19: 20 Overlook Road LLC, 20 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 29', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of changing the location of entry stairs to an existing driveway. Zoning District: R-44; Map: 45; Block: 5; Lot: 49, 50, 51.

Chad Nehring, Architect for Roberta Anderson, gave a brief overview of the house that was completely demolished in the macroburst of May 2018. Mr. Nehring explained that there was a slight modification on the southwest corner of the house, revising the stair access to the house. Joe DePaul questioned why the stairway couldn't be pushed farther back. Mr. Nehring stated that the stairway cannot be pushed back as it is against an existing screened porch. A very lengthy discussion ensued over the discrepancy with the setbacks. The original variance granted a front setback to 34' and the current application is requesting a front setback to 29'. It was discovered that during reconstruction, the foundation was excavated and hit ledge which created a higher foundation causing the deck to be built in the same location but 4' off the ground, therefore, requiring a different setback. The original deck was closer to the ground and did not require a setback. John McCartney noted that the deck was in the same location just higher off the ground and the roofline remained the same. Joe DePaul had no problem with the application. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board commented that since they now understood the change in front setback, there were no issues with the application. Joe DePaul made a motion to grant a front setback to 29' to allow construction of a covered porch and stairs

per the plans as submitted; the hardship being the steepness of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 62-19: Cioffoletti, 56 Woodcreek Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 13', 3.2.6B Side Setbacks to 21' and 58', 3.2.8 Maximum Impervious Surfaces, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new single family house with garage. Zoning District: R-44; Map: 25; Block: 4 and Lot: 11.

Dainius Virbickas, Artel Engineering, came in front of the board noting that a variance was previously granted for this property in 2018. A brief discussion ensued over the previous house sitting on top of the road and that the variance was granted to push it back off the street. The current owner of the home would like to build a different style home than what was originally approved, with the same setbacks, roofline and midpoint; with the only change being a height increase of 2' on one of the peaks. Mr. Virbickas presented approved drawings and proposed drawings of the house design. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board saw no objections with the proposal. Joe DePaul made a motion to grant a variance to reconstruct the roof line with an increase in height per the plans as submitted, noting no change in setbacks; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 63-19: Jakacic, 17 Keplers Way, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 46', 3.2.11, 7.1.1.2A&B and 7.2.3A&B for the purpose of a deck addition. Zoning District: R-44; Map: 45; Block: 5; Lot: 20, 52, 53.

Applicant Jason Jakacic and Chad Nehring approached the board with their proposal for a deck addition. The existing deck curves and 18" is needed to square off the deck. A brief discussion ensued regarding setbacks noting that the current front setback is 29', side setback 0' and rear setback 8'. The board requested that the application be continued so the applicant could obtain a better drawing showing the exact setbacks required. Vinny Mancuso made a motion to continue until next month, duly 2nd, approved 5-0. Application continued.

Vinny Mancuso made a motion to adjourn the meeting at 8:45 p.m., duly 2nd, approved 5-0.

Received for Record OCT 22 2019

at 11:00 a.m. and recorded by


Pamela J. Dohan, Town Clerk, New Fairfield, CT

**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: Roberta Anderson

PROPERTY LOCATED AT: 20 Overlook Road

ZONING DISTRICT: R-44; Map: 45; Block: 5; Lot: 49, 50 and 51.

VARIANCE DESCRIPTION: A front setback to 34', a side setback to 13' and a rear setback to 25' to reconstruct a house with shed dormer, screened-in porch and bay window additions per the plans as submitted to the Zoning Board of Appeals on December 13, 2018.

ZONING SECTIONS VARIED: 3.2.5A, 3.2.6A,B&C, 3.2.11 and 7.1.1.2

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on: December 13, 2018.

Application # 49-18

Dated: December 13, 2018

Joseph DePaul

Joseph DePaul, Chairman
Zoning Board of Appeals

eating area should be seasonal not to exceed a six-month period from May 1st to October 31st of each year. Joe DePaul saw no hardship with this application and felt that the board was not in a position to re-write the Zoning Regulations. Vinny Mancuso stated that he felt the business was providing a service to the town. John McCartney asked if the tables would be taken down. Bob Jano also stated that he saw no hardship. Joe DePaul asked the public for comment. None given. The board did not believe there was a hardship to support this application. David Bernardini withdrew the application. Application withdrawn.

Application # 49-18: Anderson, 20 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 34', 3.2.6B Side Setback to 13', 3.2.6C Rear Setback to 25', 3.2.11, and 7.1.1.2 for the purpose of rebuilding an existing house with shed dormer, screened-in porch and bay window additions. Zoning District: R-44; Map: 45; Block: 5; Lot: 49, 50 and 51.

Vinny Mancuso made a motion to hear Application # 49-18, July 2nd, approved 5-0. Chad Nehring, Architect, representing Roberta Anderson, appeared in front of the board seeking to rebuild a house which was destroyed during the May storm. Mr. Nehring gave a brief history of the 3-lot nonconforming property containing deep ledge and difficult topography with sheer cliffs. The new construction would be built on the existing footprint with several changes including a shed dormer, bay window and a screened-in porch. The only change from the existing setbacks required would be 1' needed on the side for the bay window. The screened-in porch would be built on top of an existing deck. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 5-0. Vinny Mancuso stated that he saw no problem with the application. Joe DePaul made a motion to grant a front setback to 34', a side setback to 13' and a rear setback to 25' to allow reconstruction of a house with shed dormer, a bay window and screened-in porch, per the plans as submitted; the hardship being the steep topography of the lot, July 2nd, approved 5-0. Variance granted.

Application # 50-18: Tavares, 82 Gillotti Road, for variances to Zoning Regulations 3.1.6A Front Setback to 72' for the purpose of connecting a deck to existing front entry Pergola. Zoning District: R-88; Map: 23; Block: 16; Lot: 3.

John McCartney made a motion to hear Application # 50-18, July 2nd, approved 5-0. Nicole and David Tavares came to the board seeking to connect an existing deck to a new deck with a front entry pergola. A brief discussion ensued regarding whether the deck could be covered. The applicants said that the ZEO would not approve a covered deck. The board saw no problems with this application. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 72' to allow an existing deck to be connected to a deck with a pergola, noting a small increase in nonconformity, per the plans as submitted; the hardship being the small size and shape of the lot, July 2nd, approved 5-0. Variance granted.

Application # 44-18: Bianco and Perchal, 20 Deer Run, for variances to Zoning Regulations 3.2.5A, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of tearing down and rebuilding an existing house. Zoning District: R-44; Map: 15; Block: 1; Lot: 159 & 160.