

APPLICATION OR APEAL#: 47-20

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Lou Yorio
Mailing Address: 91 Pine Hill Rd.
NEW FAIRFIELD, CT 06812 Phone#: (203) 746-3000
Email: Lou@LSCONSTRUCTION.COM

2) Premises located at: 26 EASTVIEW Rd. on the (N W) side of the street
at approx. 1/8 MILE feet (N S E W) from _____ (nearest intersecting road).

3) Property Owner Name: MICHAEL & HARRIET TRONCALE
Interest in Property: OWNER CONTRACT PURCHASER _____ LEASEE _____ AGENT

4) Tax Assessor Map No.: 11 Block No.: 3 Lot No.: 1

5) Zone in which property is located: R-44 Area of Lot: 0.286 ACRES

6) Dimensions of Lot: Frontage: _____ Average Depth: 138.20'

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: JANUARY 16, 2020 Application # 69-19

10) Proposal for which variance is requested: EXTEND PREVIOUSLY APPROVED OUTDOOR FIREPLACE/PIZZA OVEN 6" TO THE EAST. EXTEND HEIGHT TO 8' OVERALL TO TOP OF FLUE. EXTEND OTHER PORTION OF OUTDOOR KITCHEN 3' TO THE SOUTH.

Hardship: PRE EXISTING, NON CONFORMING LOT, W/ SIGNIFICANT SLOPE TO REAR

11) Date of Zoning Commission Denial: _____

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

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

Setbacks Requested: Front to: N/R Rear to: 39'
Side to: N/R Side to: N/R

#2

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: John M. Yorio DATE: 10/27/20

TOWN OF NEW FAIRFIELD
ZONING REPORT

SUBJECT: VERIFICATION OF NON-COMPLIANCE
FROM: Evan White, Zoning Enforcement Officer
DATE: November 24, 2020
PROPERTY OWNER: Michael W. & Harriet V. Troncale
PROPERTY ADDRESS: 26 East View Road
APPLICANT/AGENT: Lou Yorio
MAILING ADDRESS: 91 Pine Hill Road, New Fairfield, CT 06812
ZONING DISTRICT: R-44 **MAP:** 11 **BLOCK:** 3 **LOT:** 1

Please be advised that the applicant would like to.....See attached description.

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

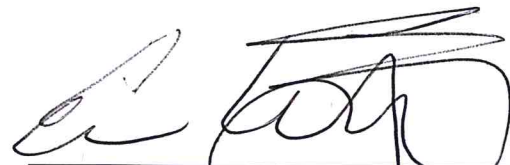
Sections:

- 3.0.9-Pergolas (C)
- 3.2.5-Minimum Lot Area and Frontage (A+B)
- 3.2.6-Minimum Building and Structure Setbacks (A+B+C)
- 3.2.11-Minimum Lot Dimensions
- 7.1.1.2-Improved Lots Not in a Validated or Approved Subdivision
- 7.2.3-Nonconforming Use of Building or Structure; Nonconforming Building 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: Michael and Harriet Troncale

PROPERTY LOCATED AT: 26 East View Road

ZONING DISTRICT: R-44; Map: 11; Block: 3; Lot: 1

VARIANCE DESCRIPTION: A side setback to 1.9' to allow construction of an ornamental outdoor kitchen structure per the modified plans as submitted to the Zoning Board of Appeals on January 16, 2020, noting that the height of the pizza oven and fireplace not to exceed 5'.

ZONING SECTIONS VARIED: 3.0.9C Pergolas, 3.2.5A&B, 3.2.6A, 3.2.6B, 3.2.6C, 3.2.11, 7.1.1.2 and 7.2.3A,B&E

I hereby certify that the Zoning Board of Appeals of the Town of New Fairfield approved this variance on January 16, 2020.

Application # 69-19

Dated: January 16, 2020

Joseph DePaul

Joseph DePaul, Chairman
Zoning Board of Appeals

Joe DePaul read an email into the record from Mr. McDonough requesting a continuance to the March 2020 meeting. John McCartney made a motion to continue Application # 67-19, duly 2nd, approved 5-0. Application continued.

Continued Application # 69-19: Troncale, 26 East View Road, for variances to Zoning Regulations 3.0.9C Pergolas, 3.2.5A&B, 3.2.6A Front Setback to 25.4' 3.2.6B Side Setbacks to 6" and 27.8', 3.2.6C Rear Setback to 42', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a masonry fireplace, pizza oven, countertop, overhead wooden structure, lattice screening and railings on an existing patio. Zoning District: R-44; Map: 11; Block: 3; Lot: 1.

Ellen Hines returned to the board and gave a brief overview of the proposal. At the last meeting, the board suggested that the applicant move the proposed outdoor kitchen to the other side of the patio area where it would not require a variance. Ms. Hines modified the proposal reducing the size of the structure and height of the fireplace to 5'. The new proposal locates the structure 3' from the property line and requires a side setback to 1.9' for the pizza oven, eliminates all trellises and incorporates green space. Ms. Hines explained that the outdoor area could not be moved to the location suggested by the board because it would be in conflict with the location of the septic and utility lines. The fireplace height was reduced to 5' with no raised hearth. The existing wall would be repaired with storm water management drainage. Joe DePaul saw no problem with the application. 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 made a motion to grant a side setback to 1.9' to allow construction of an ornamental outdoor kitchen structure per the modified plans as submitted, noting that the pizza oven and fireplace height will not exceed 5'; the hardship being the slope of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 01-20: HKMQ LLC, 42 State Route 39, for variances to Zoning Regulations 4.1.1A Uses or Buildings Permitted As of Right and 4.1.2A&F Special Permit Uses or Buildings for the purpose of constructing a 102'x50' 8-family duplex building. Zoning District: B/C; Map: 19; Block: 13; Lot: 12.

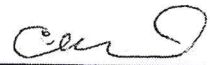
Dan Reilly, agent for HKMQ LLC, approached the board seeking approval for an 8-family duplex on the footprint of a previously approved office retail space. Joe DePaul noted that this application is seeking a change of use variance from business commercial (BC) to residential which is of great concern. Mr. Reilly explained that there would be 4 entrances in the front and 4 entrances in the rear of the building. The rental apartments would be 2 bedrooms, approximately 1300 square feet. The proposal could be used for 55 and above or low-income housing. A lengthy discussion ensued concerning the lack of detailed information about the proposed building. Without information on the building, entrance, height and architecture, the board was concerned about approving the application. The board asked if the applicant considered a different building footprint. A discussion ensued about wetlands, required parking spaces and the septic system. The board was not opposed to the change in use but requested additional information on the proposal. Ann Brown inquired if there would be garages for the tenants; Mr. Reilly said that there were no garages in the proposal. Joe DePaul suggested that the applicant investigate other options and requested that the existing green garage be removed as part of any further variance. Joe DePaul asked the public for comment. Hugh Bilecki asked if the board had

November 6, 2020

To: Planning and Zoning Commission
From: Chris and Kristen Renzulli
28 Eastview Road, New Fairfield, CT 06812

We are the neighbors of Michael and Harriet Troncale and share a property line with their home at 26 Eastview Road, New Fairfield, CT 06812. We are aware that they may need a height variance to go more than 5 feet tall with the pizza oven and fireplace they plan to install on their new patio, and we do not object to them getting that variance.

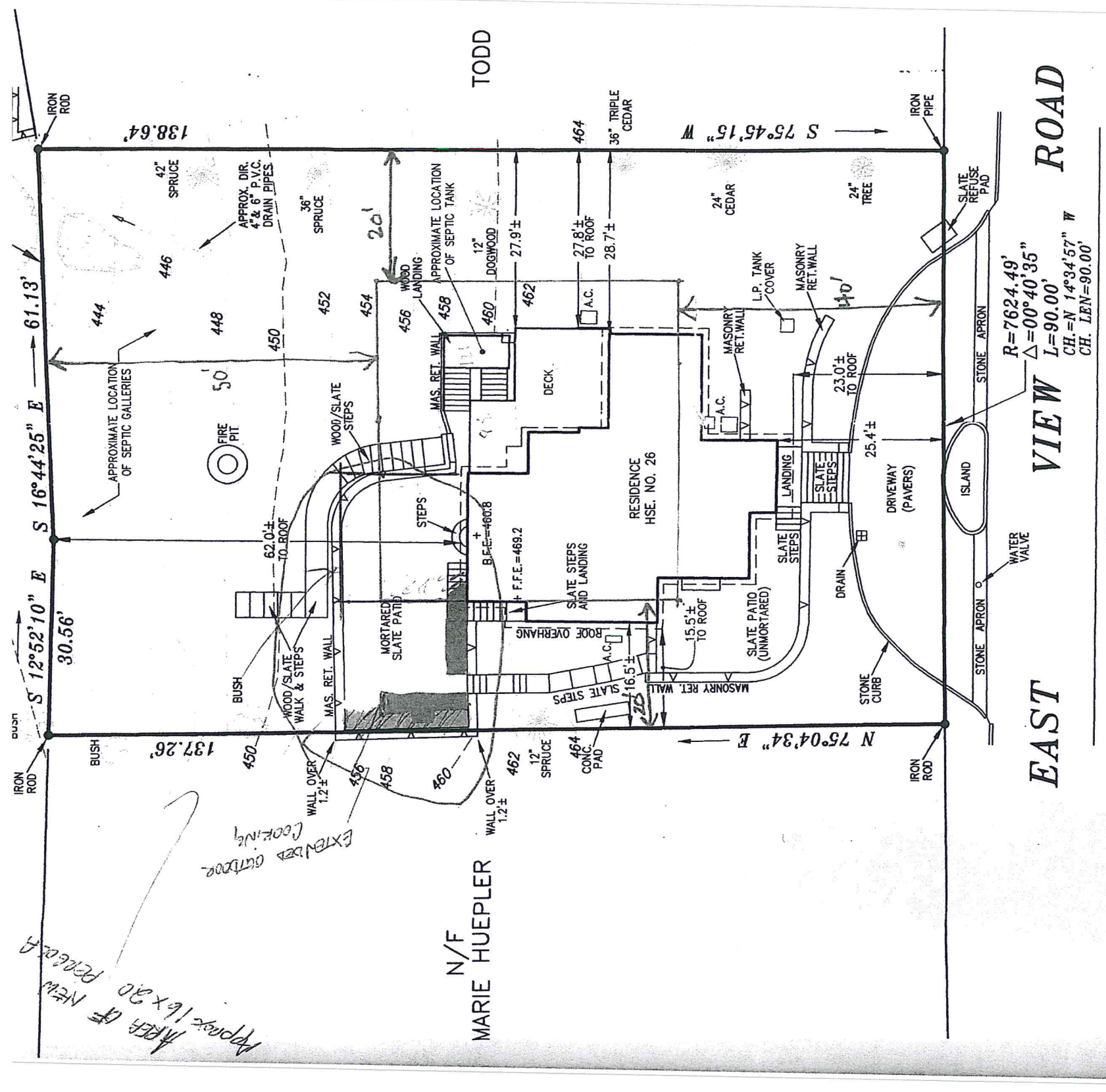
Thank you and best regards,



Christopher Renzulli



Kristen Renzulli



PROPERTY SURVEY

PREPARED FOR

ICHAEL W. & HARRIET V. T

26 EAST VIEW ROAD

TOWN OF NEW FAIRFIELD FAIRFIELD COUNTY

AUG. 23, 2012

SCALE: 1" = 10'

REVISED JUNE 13, 2014 FOR UPDATE/AS-BUILT

FIELD