

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Gordon Brown
Mailing Address: 27 Candlewood dr.
New Fairfield, CT 06812 Phone#: 860-459-6960
Email: brown.gordon@academic and behavioral support.com

2) Premises located at: 27 Candlewood Drive on the (N S E W) side of the street
at approx. 50 feet (N S E W) from Glen Holly Rd (nearest intersecting road).

3) Property Owner Name: Tammy Knox, Trustee
Interest in Property: OWNER CONTRACT PURCHASER LEASEE AGENT

4) Tax Assessor Map No.: 39 Block No.: 7 Lot No.: 17

5) Zone in which property is located: R-44 Area of Lot: .43 ac

6) Dimensions of Lot: Frontage: 450' Average Depth: 180'

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?

If so, give dates and application numbers:

10) Proposal for which variance is requested: 20' by 22' deck off south east
side of house including a 7'x7' Hot tub on the deck.

Hardship: Pre-existing, non-conforming, corner, narrow lot with
significant ledge and rear sloped lot.

11) Date of Zoning Commission Denial: November 24, 2020

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

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

Setbacks Requested: Front to: 40' to 18' Rear to: 40' to 13'
Side to: Side to:

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: 11/19/20

#3

**TOWN OF NEW FAIRFIELD  
ZONING REPORT**

**SUBJECT:** VERIFICATION OF NON-COMPLIANCE  
**FROM:** Evan G. White, Zoning Enforcement Officer  
**DATE:** November 24, 2020  
**PROPERTY OWNER:** Tammy Knox, Trustee  
**PROPERTY ADDRESS:** 27 Candlewood Drive  
**APPLICANT/AGENT:** Gordon Brown  
**MAILING ADDRESS:** 27 Candlewood Road  
**ZONING DISTRICT:** R-44    **MAP:** 39    **BLOCK:** 7    **LOT:** 17

Please be advised that the applicant would to (See Noncompliance).

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


Sections:

- 3.0.6-Swimming Pools (B)
- 3.2.5-Minimum Lot Area & Frontage (A+B)
- 3.2.6-Minimum Building & Structure Setbacks (A+C)
- 3.2.11-Minimum Lot Dimensions
- 7.1.1.2-Improved Lots Not in Validated or Approved Subdivisions
- 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

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**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:** Gordon Brown

**PROPERTY LOCATED AT:** 27 Candlewood Drive

**ZONING DISTRICT:** R-44; Map: 39; Block: 7; Lot: 17

**VARIANCE DESCRIPTION:** A front setback to 20.2' and a side setback to 20' to allow construction of a deck per the plans as submitted and modified to the Zoning Board of Appeals on October 15, 2020.

**ZONING SECTIONS VARIED:** 3.2.5A&B, 3.2.5A, 3.2.6C, 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 15, 2020.

Application # 40-20

Dated: October 15, 2020

*Joseph DePaul*

Joseph DePaul, Chairman  
Zoning Board of Appeals

existing footprint. A brief discussion ensued over the direction of the stairway. The location of the stairs would not require a setback. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board had no problem with the application. Joe DePaul made a motion to grant a side setback to 19.1' and a rear setback to 40' to allow construction of a deck; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted.

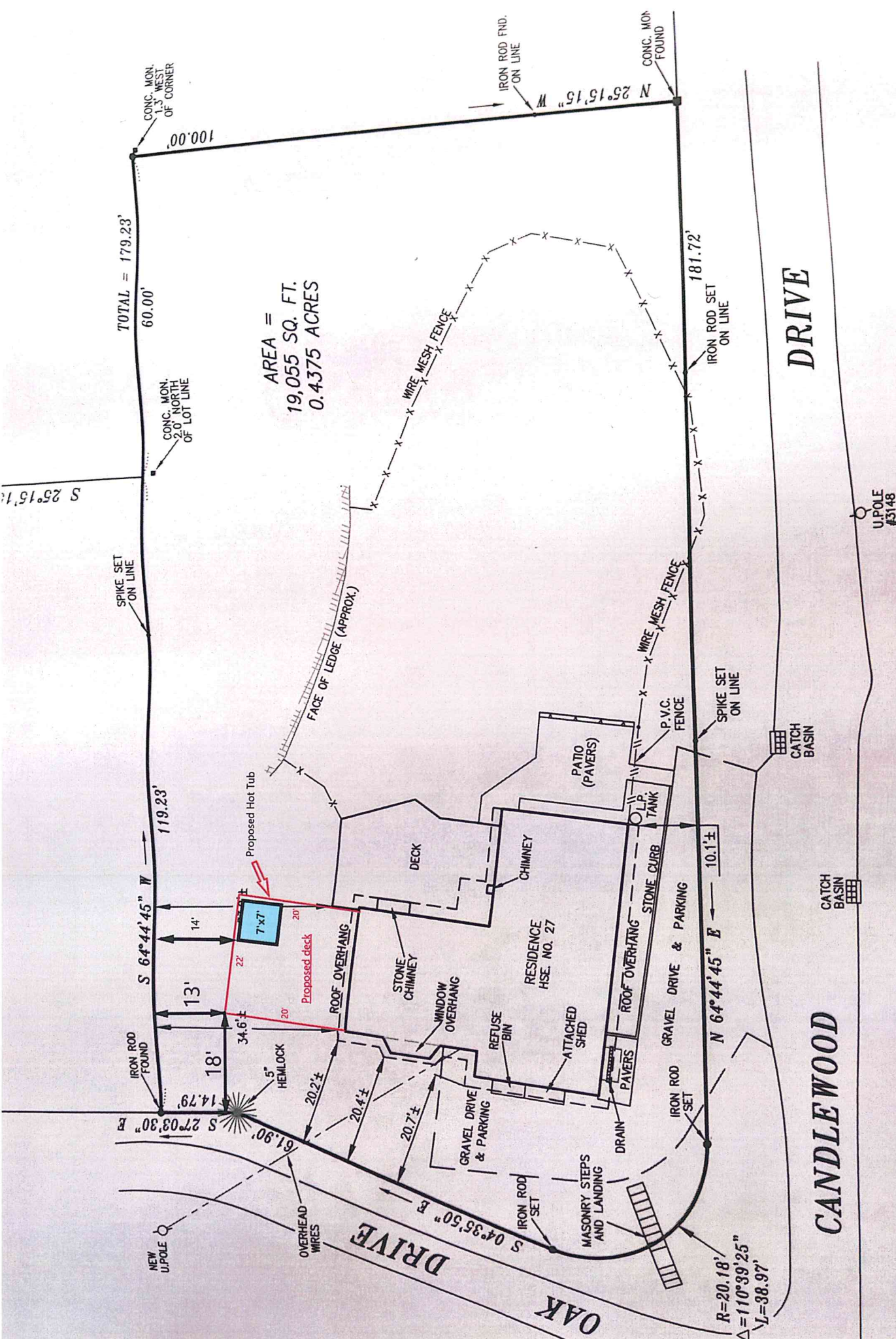
**Application # 39-20:** 20 Overlook Road LLC, 20 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 27', 3.2.6B Side Setback to 11', 3.2.6C Rear Setback to 39', 3.2.11 and 7.1.1.2 to legalize construction of home per as-built survey. Zoning District: R-44; Map: 45'; Block: 5; Lot: 49-51.

Roberta Anderson, owner of 20 Overlook Road, gave a brief overview of the previously granted variances on the house that was destroyed in the macroburst of 2018. An as-built survey showed that the front and side setback exceed what was granted by 2' each. Ms. Anderson is seeking to legalize construction with a front setback to 27' and a side setback to 11'. Ms. Anderson explained that the original house had a fieldstone foundation and the new house has a poured concrete foundation and possibly the original survey was off since the home is the exact same square footage and did not increase in size. Evan White stated that he visited the house, and it was the same size, and the original survey must have been off. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that there was no malice involved on the part of the homeowner. Joe DePaul made a motion to grant a variance to legalize the construction with a front setback to 27', a side setback to 11' and a rear setback to 39'; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted.

**Application # 40-20:** Brown, 27 Candlewood Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.5A Front Setback to 19', 3.2.6C Rear Setback to 17', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 20'x22' deck. Zoning District: R-44; Map: 39; Block: 7; Lot: 17.

Gordon Brown gave a brief overview of his request to construct a 20'x22' deck off the rear of the house. The lot is a corner lot. Mr. DePaul suggested that the applicant modify his proposal to reduce nonconformity by keeping the deck within a side setback of 20' and keeping the front setback to 20.2'. The applicant agreed to modify the size of the deck and not increase nonconformity. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no problems with the application. Joe DePaul made a motion to grant a front setback to 20.2' and a side setback to 20' to allow construction of a deck per the plans submitted and modified noting no increase in nonconformity; the hardship being the shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted.

**Application # 41-20:** Kraska, 9 Knollcrest Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 11', 3.2.6C Rear Setback to 26.6', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing and rebuilding a single family house with an addition. Zoning District: R-44; Map: 10; Block: 4; Lot: 4.



TOTAL = 179.23'

60.00'

AREA =  
19,055 SQ. FT.  
0.4375 ACRES

SPIKE SET ON LINE

IRON ROD FOUND

IRON ROD FOUND

IRON ROD SET

IRON ROD SET

IRON ROD SET

S 25°15'14" W

S 64°44'45" W

S 27°03'30" E

S 04°35'50" E

S 04°35'50" E

S 04°35'50" E

119.23'

14'

13'

18'

14.79'

61.90'

CONC. MON. 2.0' NORTH OF LOT LINE

PROPOSED HOT TUB

HEMLOCK

5"

20.2'±

20.4'±

FACE OF LEDGE (APPROX.)

ROOF OVERHANG

STONE CHIMNEY

WINDOW OVERHANG

REFUSE BIN

20.7'±

WIRE MESH FENCE

DECK

CHIMNEY

RESIDENCE HSE. NO. 27

PAVERS

20.1'±

WIRE MESH FENCE

PATIO (PAVERS)

OL.P. TANK

STONE CURB

GRAVEL DRIVE & PARKING

10.1'±

IRON ROD SET ON LINE

P.V.C. FENCE

IRON ROD SET

IRON ROD SET

IRON ROD SET

181.72'

SPIKE SET ON LINE

N 64°44'45" E

N 25°15'15" W

N 25°15'15" W

N 25°15'15" W

CONC. MON. FOUND

CATCH BASIN

CATCH BASIN

NEW U.P.OLE #3148

R=20.18'

Δ=110°39'25"

L=38.97'

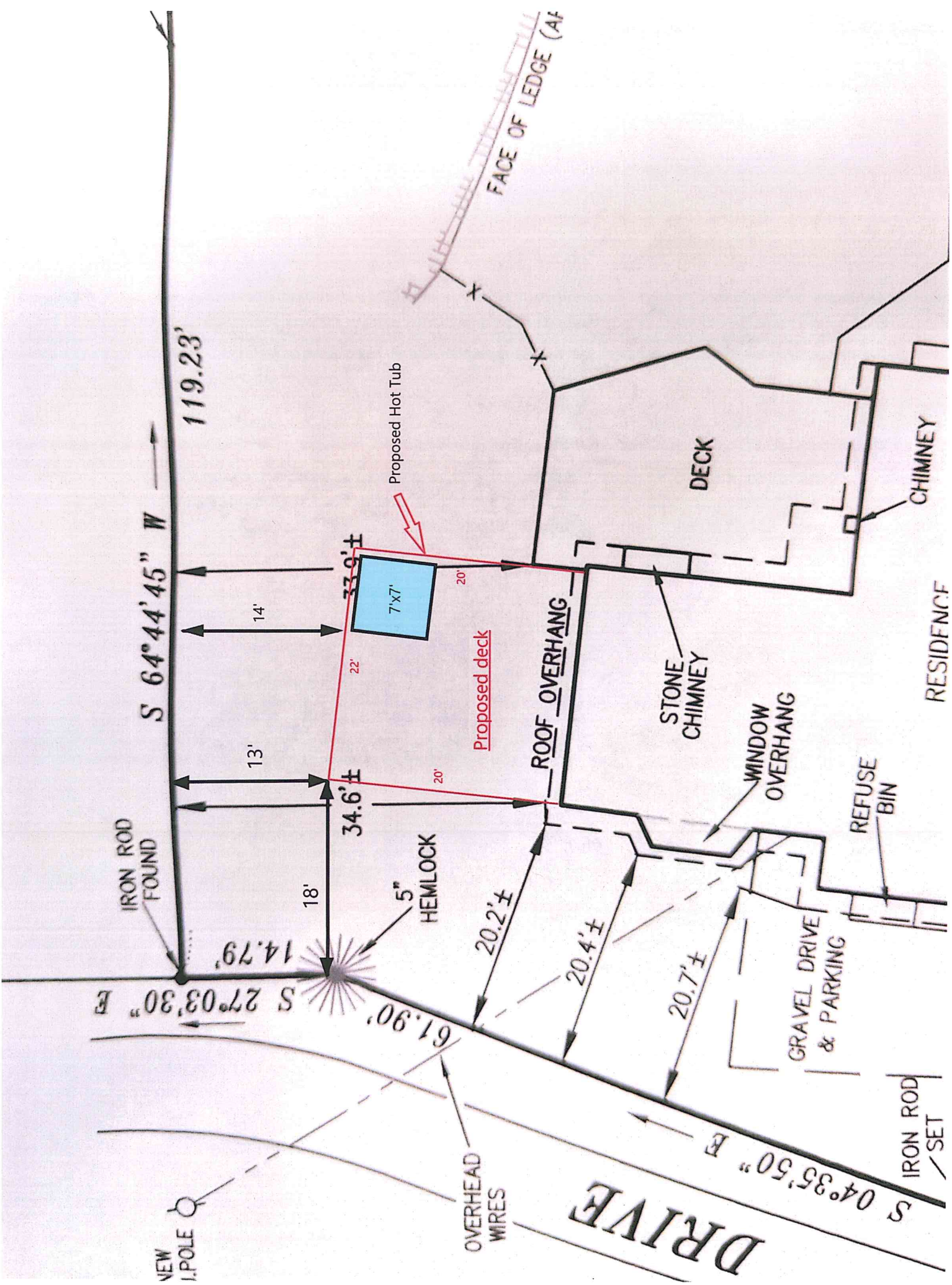
DRIVE

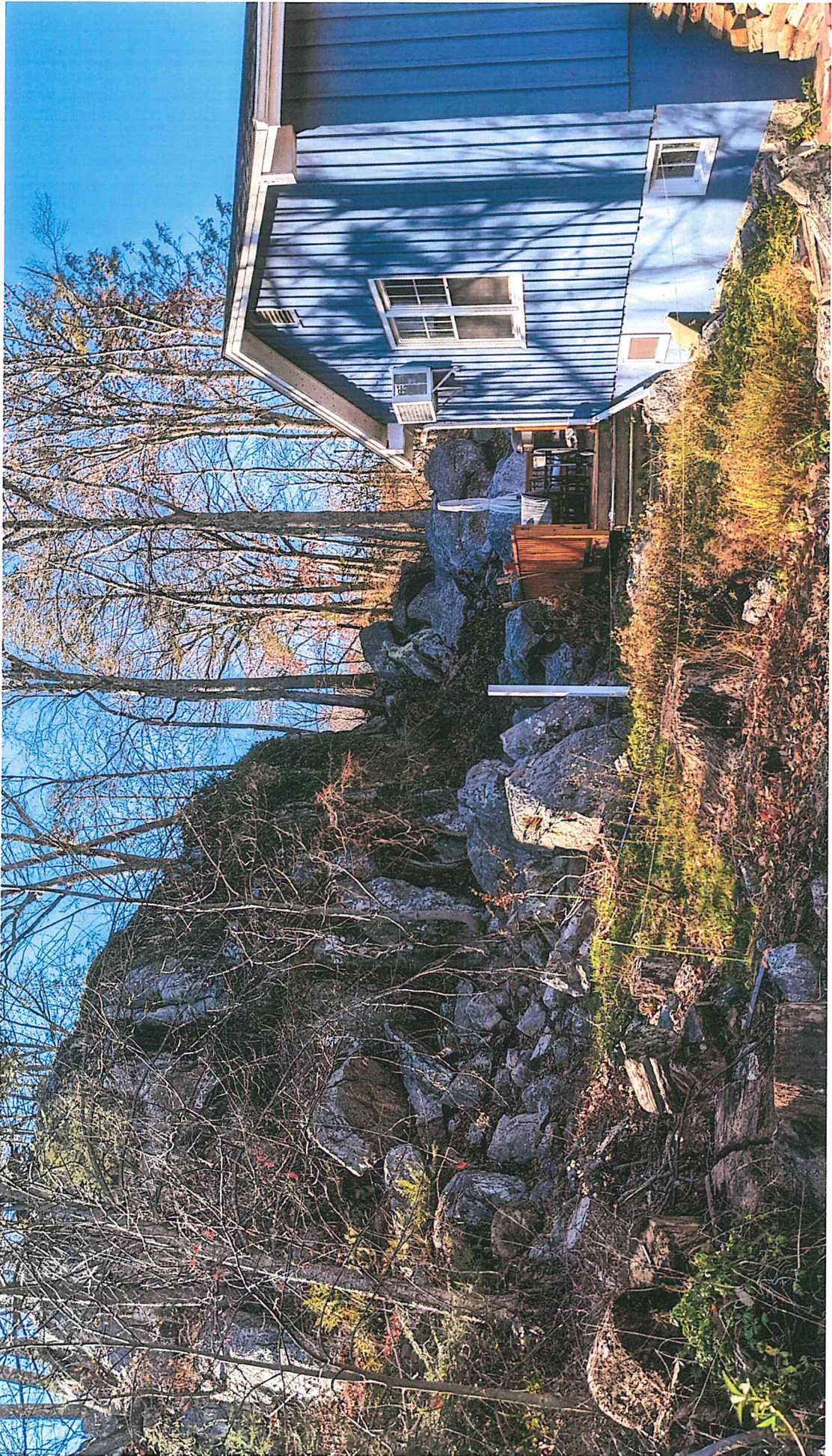
CANDLEWOOD

OAK

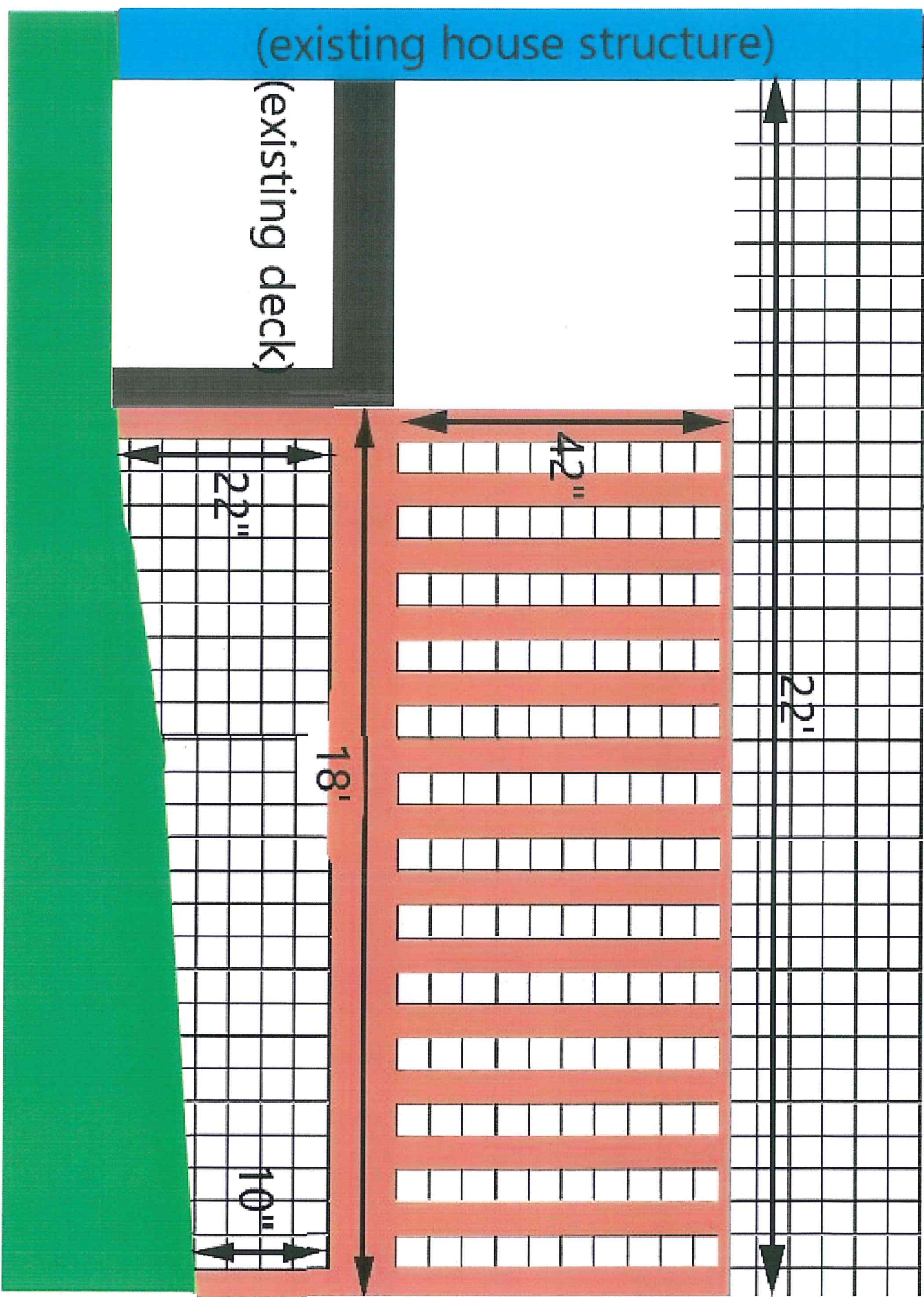
DRIVE

DRIVE



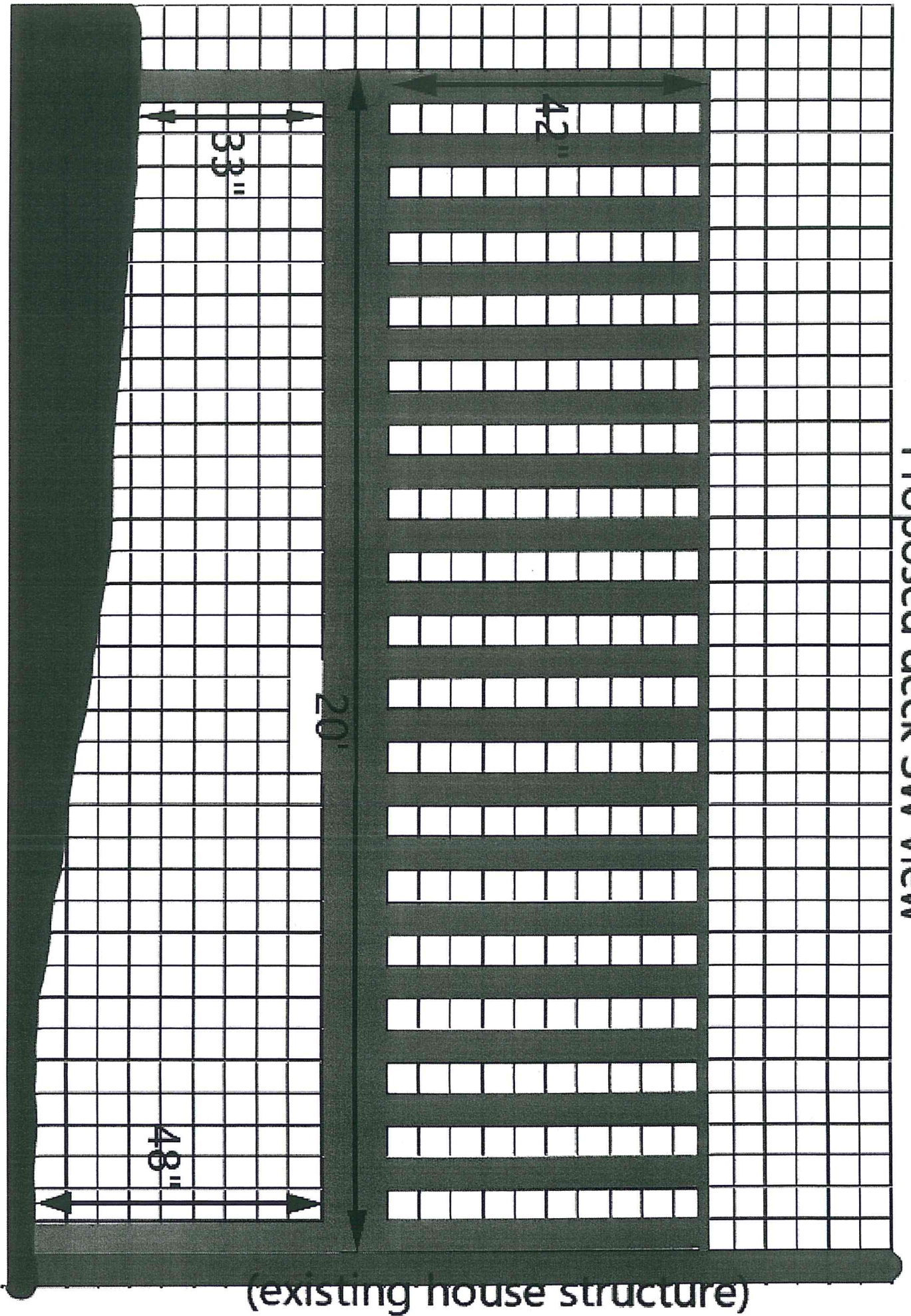


Proposed deck SE view





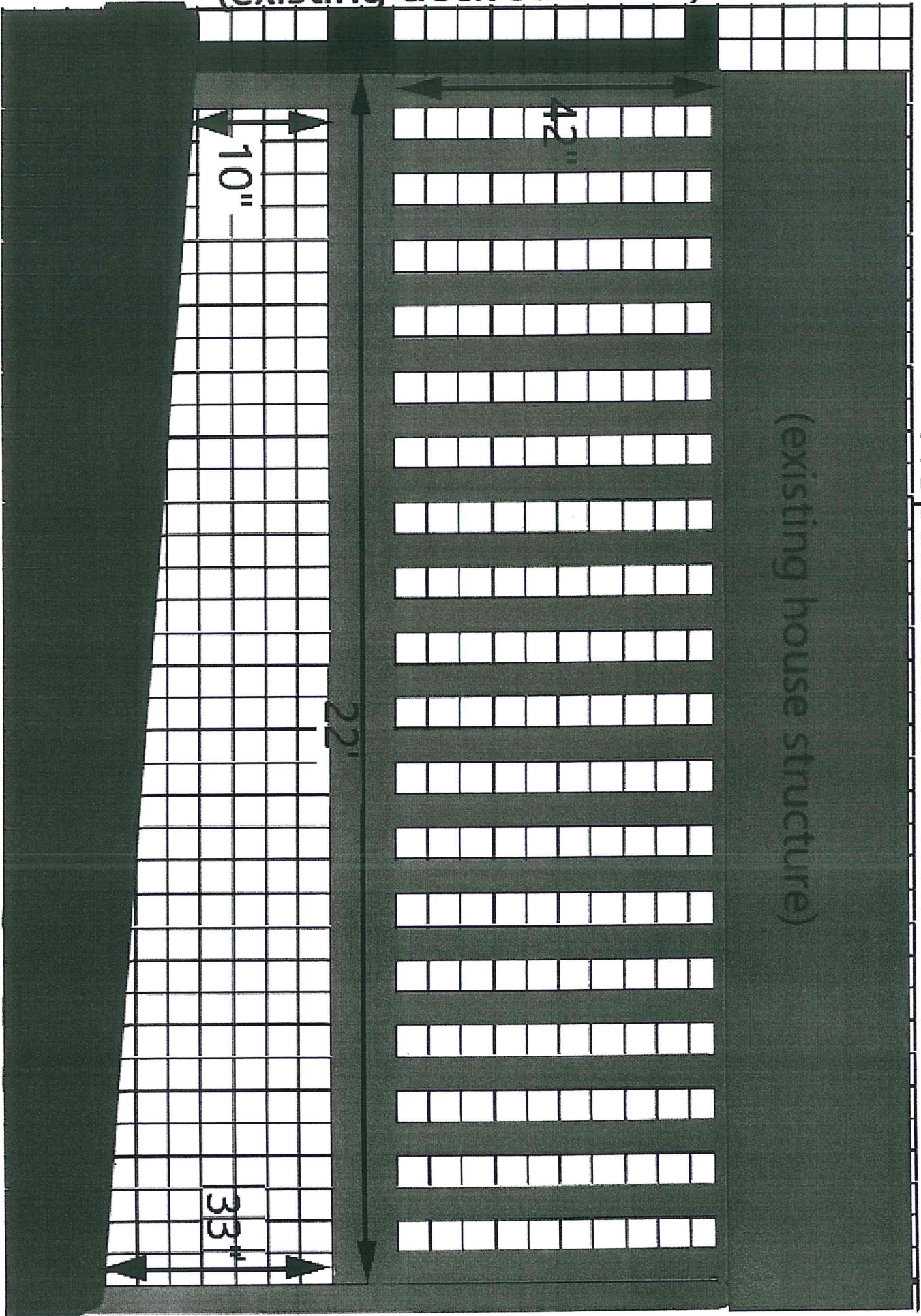
Proposed deck SW view



Proposed deck N view

(existing house structure)

(existing deck structure)



TAMMY A. KNOX  
50 Spencer Street ~ Litchfield, CT 06759

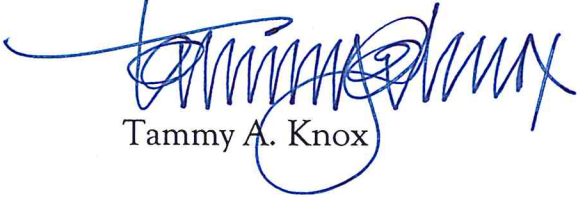
October 5, 2020

**RE: Variance Permit 27 Candlewood Drive, New Fairfield, Connecticut**

To Whom It May Concern:

I, Tammy Knox, trustee of 27 Candlewood Dr, New Fairfield, CT 06812, approval the request for a variance permit for the proposed deck project. My son, Gordon Brown, has the authority to carry through with the project has proposed.

Sincerely,



Tammy A. Knox

Cc: Gordon Brown