

APPLICATION OR APEAL#: 44-22

### APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: John O'Connell  
Mailing Address: 14 Jericho Rd S.  
Sherman Ct Phone#: 203 948 1667  
Email: OConnellJ9@AOL.com

2) Premises located at: 12 Oswego Rd on the (N S E  W) side of the street  
at approx. 250 feet (N S E W) from New Fane Rd. (nearest intersecting road).

3) Property Owner Name: John O'Connell

Interest in Property: OWNER  CONTRACT PURCHASER  LEASEE  AGENT

4) Tax Assessor Map No.: 32 Block No.: 6 Lot No.: 65

5) Zone in which property is located: R-44 Area of Lot: see survey (BY Evan Fogle)  
6) Dimensions of Lot: Frontage: 87.50 Average Depth: 170'

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: NR

10) Proposal for which variance is requested: Requesting Relief From  
The side yard setback at 12 Oswego Rd due  
to separating 14+12 in which creates a moat decrease  
in non conformity (lots pre-existing non conforming  
under 5.7+ lots) in which creates a new setback of 9.2 (side)  
to allow separation BTWN 12+14 (creating one dwelling per lot,

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

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

Date of Denial - September 20, 2022

Setbacks Requested: Front to: NR Rear to: NR  
Side to: 9.2' Side to: NR

#3

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: 9-15-22

11) Hardship Pre-existing/odd shaped undersize lots

**received**  
9/15/22

**TOWN OF NEW FAIRFIELD  
ZONING REPORT**

**SUBJECT: VERIFICATION OF NON-COMPLIANCE**

**FROM: Evan G. White, Zoning Enforcement Officer**

**DATE: September 20, 2022**

**PROPERTY OWNER: John O'Connell**

**PROPERTY ADDRESS: 12 Oswego Road**

**APPLICANT/AGENT: John O'Connell**

**MAILING ADDRESS: 12 Oswego Road**

**ZONING DISTRICT: R-44    MAP: 32    BLOCK: 6    LOT: 65**

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

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 & Frontage (A+B)

3.2.6-Minimum Building & Structure Setbacks (B)

3.2.11-Minimum Lot Dimensions

7.1.12-Improved Lots Not In a Validated or Approved Subdivision


7.2.2-Nonconforming Use of Land (A+B)

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.**

  
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Evan White, Zoning Enforcement Officer  
Town of New Fairfield



N/F  
**MARTIN**  
21 NEWFANE ROAD  
TAX LOT ID: 32-6-71  
T.C. MAP NO. 1688

N/F  
**SOARES**  
23 NEWFANE ROAD  
TAX LOT ID: 32-6-72.73  
VOL 397, PG 1061

N/F  
**ARBESMAN**  
17 NEWFANE ROAD  
TAX LOT ID: 32-6-68  
T.C. MAP NO. 1742

N/F  
**KEENAN**  
19 NEWFANE ROAD  
TAX LOT ID: 32-6-69.70  
T.C. MAP NO. 3486

**SECOND PARCEL**  
12 OSWEGO ROAD  
VOL 171, PG 288

**FIRST PARCEL**  
14 OSWEGO ROAD  
VOL 171, PG 288

AREA=  
**0.411 AC.,  
17,914 S.F.**  
TAX LOT ID: 32-6-65  
VOL 171, PG 288

PROPOSED AREA=  
**13,387 S.F.**

AREA=  
**0.359 AC.,  
15,609 S.F.**  
TAX LOT ID: 32-6-67  
T.C. MAP NO. 1707  
VOL 291, PG 1064

TOTAL AREA=  
**0.770 AC., 33,523 S.F.**

PROPOSED AREA=  
**20,136 S.F.**

