

50-23

APPLICATION OR APPEAL#:

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

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

1) Applicant: Donald F. Smith & Cheryl A. Smith
Mailing Address: 12 Misty Brook Lane
New Fairfield, CT 06812 Phone#: 203-746-6943
Email: dsmith7865@aol.com

2) Premises located at: 18 Misty Brook Lane, New Fairfield on the (N S E W) side of the street
at approx. _____ feet (N S E W) from _____ (nearest intersecting road).

3) Property Owner Name: Thomas Goldman & Amy Goldman
Interest in Property: OWNER CONTRACT PURCHASER LEASEE Neighbors

4) Tax Assessor Map No.: 2 Block No.: 4 Lot No.: 20

5) Zone in which property is located: R88 Area of Lot: 2.56

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

7) Do you have any Right of Ways or Easements on the property? _____

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: Appeal is filed: pickle ball/court. Zoning permit issued on October 6, 2023

Hardship: See attached for explanation.

11) Date of Zoning Commission Denial: _____

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

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

Setbacks Requested: Front to: _____ Rear to: _____
Side to: _____ Side to: _____

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

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: October 20, 2027

Only Authorized

received

The Zoning Enforcement Officer acted illegally and arbitrarily in issuing a zoning permit for reasons including, but not limited to the following:

- 1) A pickle ball court is not an allowed principal or accessory use in the residential zones;
- 2) The ZEO knew or should have known that the actual use contemplated by the applicant included proposed pickle ball courts;
- 3) The solid fence approved by the ZEO is not allowed under the Zoning Regulations; and
- 4) The plan submitted in support of the application does not meet the technical requirements of the Zoning Regulations, including but not limited to setbacks and maximum coverage.

The appellants received notice of the ZEO's issuance of the permit on October 16, 2023.