



RECEIVED

ZONING BOARD OF APPEALS

EASTON ZBA (21)

225 Center Road - Easton, Connecticut 06612

APPEAL APPLICATION
(used for post-decision)

Application Number: ZBA-23-03

Applicant: Steven Montgomery Address: 25 Old Oak Rd., Easton, CT 06612

Owner: Marcel Huribal Address: 422 Sport Hill Road, Easton, CT 06612

~~_____ hereby appeal to the Zoning Board of Appeals (ZBA) from the denial by the Planning and Zoning Commission of my application for a permit to:~~

the decision of the Zoning Enforcement Officer, Mark DeLieto, to execute a Certificate of Zoning Compliance with respect to the structure and permit related to the riding arena located on the premises despite the fact that conditions of the permit were not met (removal of structures in setback) and the known use of the building violating restrictions on the permit and use (commercial use of riding arena). I learned of the execution of the certification and issuance of CoZ ^{on April, 18, 2023.} See attached sheet for additional information

Signature of Applicant [Signature] 917-647-9307
Telephone Number

Application and documents submitted: To: [Signature]
ZBA Agent

Date: 5/16/23

LAND USE
FILE COPY

Submitted 5/17/23



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Location of Property

Property Owner: Marcel Huribal Telephone: 203-257-9171
Address: 422 Sport Hill Road, Easton, CT 06612
Assessor's Map#/Block#/Lot#: Lot 2
Parcel No.: 422

Applicant: Steven Montgomery Telephone: 917-647-9307
Address: 25 Old Oak Road, Easton, CT 06612
Surveyor: N/A

Type of Sewage Disposal Unknown Type of Water Supply Unknown

Zoning District: R1 [checked] R3

Property is within 500 ft of a Town line: Yes [X] No

Has an Inland Wetlands Determination been completed by the Inland Wetland Agency?
YES NO Unknown

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained. Please complete the attached Application for Determination of Wetland Impact.

Indicate each specific provision of the Zoning Regulations from which a variance is required.

Section/Subsection: No variance required

Describe fully the nature and extent of each variance applied for above.

No variance. Seeking review and reversal of determination of zoning enforcement office

Zoning Setback(s) Proposed: Unknown

Front (ft) Left (ft) Right (ft) Rear (ft)

To the Zoning Board of Appeals,

I hereby submit a request for review and reversal of the decision of the Zoning Enforcement Officer, Mark DeLieto, in his execution of a Certificate of Zoning Compliance as a prerequisite to the issuance of a Certificate of Occupancy for the riding arena located at 422 Sport Hill Road, Easton, CT. As you may know, a Certificate of Occupancy was recently issued for the riding arena constructed at 422 Sport Hill Road by Peter Howard on behalf of the Town of Easton Building Department. (A copy of the Certificate of Occupancy is attached here.) This Certificate of Occupancy was issued after Mr. DeLieto improperly certified that the construction and use of the property was in accordance with the permit documents issued and the Zoning Regulations for the Town of Easton. As Mr. DeLieto is well aware, the permit for construction of the arena was conditioned on the removal of a structure improperly placed in the setback on the Old Oak Road side of the property as well as the structure not being used for commercial purposes. Despite these conditions, the structure in the setback was never removed as agreed and the structure has been used for commercial purposes despite Mr. DeLieto's claims to the contrary. Despite these facts, Mr. DeLieto refused to take any action with respect to these violations and instead certified the property in compliance with respect to applicable permit requirements and zoning regulations.

As you will note from the attached documents, the building permit documents for the riding arena structure specifically states that the arena is not to be used for commercial purposes. Despite this restriction, the arena is undoubtedly being used for commercial purposes and is open to the public. Attached are documents and photographs confirming the use of the structure for a Fairfield University Equestrian Team event and below are the links to the N&C Equestrian website and Facebook page also confirming the use for commercial purposes and its occupancy by the public for that purpose. In fact, a violation was issued by the Town previously, though the current administration refused to pursue the violation and has since removed the related documentation from the Building Department file. Attached is a copy of the document now missing from the Building Department file. The last time I checked, a copy of the violation and supporting documentation still remained part of the zoning file however. The known commercial use of the premises should be stopped immediately. There has not been proper life safety checks or inspections performed as the building has been classified as a Class U structure and not one open to the public. Until such time as the proper processes are completed the structure should not be used for public assembly.

Facebook: <https://www.facebook.com/NCEquestrianCT/>

Website: <https://www.nandcequestrian.com/>

In addition, on numerous occasions going back to the summer of 2022 I advised Mr. DeLieto that there were multiple structures which violated zoning regulations in both their use and placement within setbacks. Mr. DeLieto stated on multiple occasions that he saw no violations and refused to take any action regarding same. However, in the attached documents you can see that in February of this year Mr. DeLieto confirmed that the structure at issue was in fact placed in violation of the zoning regulations but that since three years had passed he could take no action. I would note that Mr. DeLieto had been on the property multiple times since the summer of 2022 and was well aware of the presence of the structure and the fact that it violated zoning regulations. He simply waited until he thought he had a basis for his non-action to admit that the violation was present. However, the removal of the structure was made a condition of the permit issued and the owner agreed to move that as a condition

VIOLATION NOTICE

PERMIT # 16467

PERMIT DESCRIPTION:
Riding Arena not intended for
commercial use

ADDRESS 432 Sport Hill Rd

DATE OPENED: 8/25/2020

NAC Equestrian Website
offers classes at the
above address

NOT TO BE USED COMMERCIALLY

Town of Easton
EASTON, CONNECTICUT
BUILDING PERMIT

DOES NOT INCLUDE
ANY SUB PERMITS

Permit No. 16467 Date 3/12/2020
 Permission is hereby granted to John's Asphalt owner of land / building

To erect 10x152x16 Riding Arena with 100 sq ft
concrete floor and plumbing for water

Lot No. _____ Located at No. 422 SOUTH HILL RD Street

Said building described in application and according to plans and specifications filed with the Building Department.
 This permit is granted on condition that all town ordinances and building regulations and state laws shall be complied with,
 and is issued subject to the following conditions: NO COMMERCIAL USE

Construction value as estimated by Building Department: \$175,000

- Zoning Fee \$ 263
- Building Fee \$ 1420
- Occupancy Fee \$ 50
- Septic Fee \$ 100
- Well Insp. Fee \$ _____
- Administrative Fee \$ 53

TOTAL \$ 1880.00

[Signature]
 Building Official

This permit expires six months from date if work is not commenced,
 which means that a reasonable amount of the structural work must
 be done of which the Building Official shall be the sole judge.

Certificate of Occupancy must be issued before use is allowed.

Description 90' x 152' x 16' RIDING ARENA
NO PLUMBING OR WATER
NO COMMERCIAL USE

Is there a building on the lot now? YES If so, how occupied? HORSE BARN

Size of structure 90' x 152' x 16' Number of floors 1 Size of Addition 10,640 SQ FT

Lot Size 3.037 ACRES Is proposed construction in a year flood plain? NO

Applicant (print) JOHN'S ASPHALT INC.

Address 88 Elm St Montpelier CT 06468 Phone 203 620 1989

I estimate the value of the work will be \$ 175,000

Applicant's signature *[Signature]*

Building Official's estimate of value \$ 175,000

- ZONE FEE \$ 263
- BUILDING FEE \$ 1420
- CERT OF OCC \$ 50
- SEPTIC FEE \$ 100
- WELL FEE \$ _____
- ADMIN FEE \$ 53
- TOTAL \$ 1880.00

FILE COPY

#16467

PERMIT NUMBER

DATE ISSUED 3/12/2020

Montgomery, Steven

From: Montgomery, Steven
Sent: Wednesday, April 26, 2023 11:13 AM
To: Montgomery, Steven



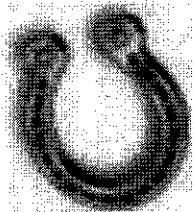
11:08



November 12, 2022

11:45 AM

Edit



Fall 2022 Show Schedule for Zone 1, Region 5:

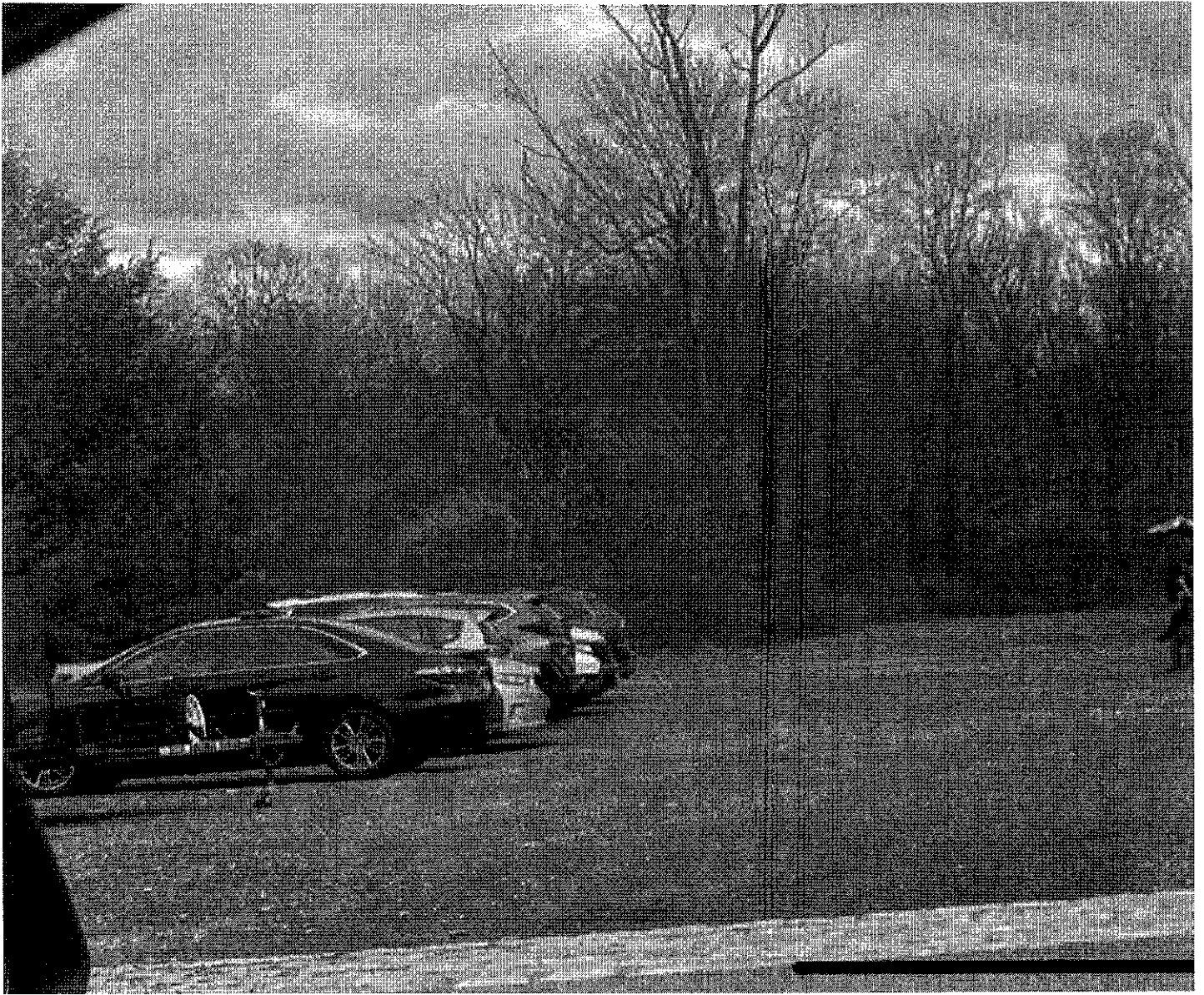
- ┌ Sunday, October 16 Sacred Heart University (Host) at Silvermine Farm, Norwalk, CT 10:00AM ENGLISH ONLY
- ┌ Sunday, October 23 University of Connecticut (Host) on campus at Horsebarn Hill Arena, Storrs, CT 10:00AM ENGLISH ONLY
- ┌ Sunday, November 6 Trinity College (Host) at Folly Farm, Simsbury, CT 10:00AM ENGLISH ONLY
- ┌ Saturday, November 12 Fairfield University (Host) at N & C Equestrian, Easton, CT 9:00AM ENGLISH ONLY
- ┌ Saturday, November 19 University of Connecticut (Host) on campus at Horsebarn Hill Arena, Storrs, CT Time TBA ENGLISH ONLY

The University of Connecticut competes in Zone 1, Region 3 Western shows. Please visit the Zone 1, Region 3 page for western information on these schools. Show

Montgomery, Steven

From: Montgomery, Steven
Sent: Wednesday, April 26, 2023 11:13 AM
To: Montgomery, Steven







PLANNING AND ZONING COMMISSION

225 Center Road - Easton, Connecticut 06612

CERTIFICATE OF ZONING COMPLIANCE

Property Owner (Applicant): Marsel Huribal

Location (Premises covered by this certificate): 422 Sport Hill Road

Record Map # or subdivision: Assessor's Map # 5502A, Block 34, Lot 1

This is to affirm that a review of the survey on 02/17/2023 and other available information shows that the:

X New Construction – 70' x 152' indoor riding rink

 Addition

 Alteration

 Other

applied for under: Zoning Permit # Z-20-5377 Issued: 03/12/2020

Building Permit # 16467 Issued:

has been completed and found to be compliant with applicable Easton Planning and Zoning Commission Regulations.

Signed Mark DeLieto Date 02/17/23

Mark DeLieto
Zoning Enforcement Officer
Easton Planning and Zoning Commission

Copy: * Addressee, Building Department, Electronic File

Please Note: This is not a "Certificate of Occupancy" which must be issued by the Easton Building Department.

COPY



NOTICE OF ZONING PERMIT EASTON, CONN.

PERMIT NO. Z-20-5377 DATE March 12, 2020

GRANTED TO Highland Place, LLC

LOCATION 422 Sport Hill Road

TO ERECT OR BUILD New 70' x 152' indoor riding rink.

NOTICE

CERTIFIED PLOT PLAN REQUIRED
BEFORE CONSTRUCTION OF BUILDING
ON FOUNDATION.
ART. IX PAR. 9.2.4

Zoning compliance for this permit is conditioned on the relocation of the unpermitted building near Old Oak Road to a zoning compliant location.

[Signature]
Z.E.O. FOR PLANNING AND ZONING COMMISSION

Phillip A. Doremus

This permit is based on information submitted with your application. If any changes or alterations are to be made which are not covered in the initial application, then a new and additional permit should be obtained.

This Notice should be posted in a conspicuous place where it is readily visible to the enforcement authority during the entire time required to complete the work.

7/88

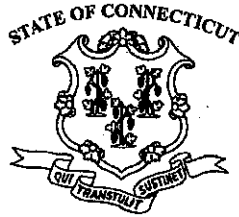
*See attached memo
from ZEO Mark DeLieto
dated 02/15/23. M.D.*

Buddy DeLieto

Memo

To: Peter Howard-Building Inspector
From: Mark DeLieto-ZEO *M.D.*
cc: File
Date: 02/15/23
Re: 422 Sport Hill Rd.

The Zoning Permit, Z-20-5377, for the 70' X 152' indoor riding rink at 422 Sport Hill Rd., issued on March 12, 2020, included language that stated "zoning compliance for this permit is conditioned on the relocation of the unpermitted building near Old Oak Rd. to a zoning compliant location". One corner of the shed is 36.9' from the side property line, and as a result, was in violation of the Easton Zoning Regulation #3530 regarding the minimum front yard setback, which is 50'. However, there is an abundance of documentation, including a zoning location survey dated Jan. 20, 2020, done by Ochman Associates, Inc., that shows the shed to have been at that location since at least January, 2020 (more than 3 years). Subsequently, and in compliance with Section 8-13a of the Conn. General Statutes, because that structure has been situated at that location for more than 3 years without the institution of legal action, it is deemed (by statute) to be a non-conforming structure. As a result, I have issued a Certificate of Zoning Compliance for the 70' X 152' Riding Rink.



Substitute House Bill No. 6481

Public Act No. 13-9

**AN ACT CONCERNING ENFORCEMENT PROTECTION FOR
NONCONFORMING STRUCTURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 8-13a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) When a building or other structure is so situated on a lot that it violates a zoning regulation of a municipality [which] that prescribes the location of such a building or structure in relation to the boundaries of the lot or when a building or structure is situated on a lot that violates a zoning regulation of a municipality [which] that prescribes the minimum area of the lot, and when such building or structure has been so situated for three years without the institution of an action to enforce such regulation, such building or structure shall be deemed a nonconforming building or structure in relation to such boundaries or to the area of such lot, as the case may be. For purposes of this section, "structure" has the same meaning as in the zoning regulations for the municipality in which the structure is located or, if undefined by such regulations, "structure" means any combination of materials, other than a building, that is affixed to the land, including, without limitation, signs, fences, walls, pools, patios, tennis courts and

Substitute House Bill No. 6481

decks.

(2) A property owner shall bear the burden of proving that a structure qualifies as a nonconforming structure pursuant to subdivision (1) of this subsection.

Approved May 20, 2013