



## LAND USE & CONSERVATION COUNSEL

PETER S. OLSON

ATTORNEY AT LAW

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MOBILE: 203.521.6789

**COPY**  
**ORIGINAL**

April 20, 2021

Glenn R. Smith

Chair, Zoning Board of Appeals of the Town of

Ridgefield

400 Main Street

Ridgefield, CT 06877

Richard S. Baldelli

Zoning Enforcement Officer of the Town of

Ridgefield

66 Prospect Street

Ridgefield, CT 06877

RE: Appeal of Zoning Permit dated April 9, 2021  
63 Prospect Street

### NOTICE OF APPEAL

Dear Mr. Smith and Mr. Baldelli:

This firm represents Paul N. Jaber and Suzanne Jaber, the owners and residents of property located at 12 Sunset Lane, Ridgefield, Connecticut, which property directly abuts the above captioned subject property. On April 9, 2021, the Zoning Enforcement Officer issued a zoning permit to The Giardini Limited Partnership and Pierandri Realty, LLC for certain construction activities, including, but not limited to, the construction of an addition to the existing structure on the subject property (the "Zoning Permit"). Pursuant to General Statutes § 8-7 and Ridgefield Zoning Regulations § 9-5 (B), Mr. and Mrs. Jaber hereby appeal the issuance of the Zoning Permit to the Zoning Board of Appeals.

A completed Zoning Board of Appeals application form is appended hereto, together with the required application fee of \$375.00.

Should you have any questions, please feel free to give me a call.

Sincerely yours,

Peter S. Olson

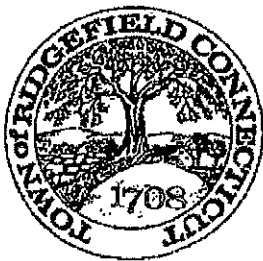
*Legal representation for property owners, municipalities and developers.*

CHESTNUT LAW LLC

275 GREENWOOD AVENUE • BETHEL, CONNECTICUT 06801

203.297.6070 • FACSIMILE 203.297.6071

HTTP://WWW.LUACC.COM



**RIDGEFIELD BOARD OF APPEALS ON ZONING**

Town Hall Annex, 66 Prospect Street  
Ridgefield, Connecticut 06877  
Phone: (203) 431-2786 Fax: (203) 431-2737  
E-Mail: [zba@ridgefieldct.org](mailto:zba@ridgefieldct.org)

**APPEAL FROM THE DECISION OF THE OFFICIAL  
CHARGED THE ENFORCEMENT OF THE ZONING ORDINANCE**

Date of Application: April 20, 2021

- 1) Applicant: Paul N. Jaber and Suzanne Jaber
- 2) Applicant's Address: 12 Sunset Lane, Ridgefield, CT 06877
- 3) Name of the official whose order, decision or requirement is being appealed:  
Richard S. Baldelli
- 4) Date of the Action being appealed: April 9, 2021
- 5) Description of the appeal: Please see the attached Description of Appeal  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 6) Property involved in the appeal: 63 Prospect Street  
  
On the (N S E W) side of the street, at approximately 528 feet (N S E W) from  
Grove Street (nearest intersecting road.)
- 7) Interest in Property:  
Owner \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Lessee \_\_\_\_\_ Agent \_\_\_\_\_ Other Abutting Landowners  
Name(s) of Owner(s): The Giardini Limited Partnership and Pierandri Realty, LLC  
Tax Assessor Map No: E14-0190
- 8) Zone in which property is located: MFDD Area of Lot: 1.03 Acres
- 9) Dimensions of Lot: Frontage Unknown Average Depth Unknown
- 10) Is the property within 500 feet of Danbury, Wilton or Redding? No  
Is the property within 500 feet of New York State? No

Signature of Applicant \_\_\_\_\_

Or

Signature of Agent By Peter S. Olson

Mailing Address Land Use & Conservation Counsel, 275 Greenwood Avenue, Bethel, CT 06801

Phone Number 203.297.6070 Email (optional) polson@luacc.com

FOR ADDITIONAL INSTRUCTIONS, SEE REVERSE SIDE

**INSTRUCTIONS FOR FILING AN APPEAL FROM THE DECISION  
OF THE OFFICIAL CHARGED WITH THE ENFORCEMENT  
OF THE ZONING ORDINANCE**

A complete appeal application consists of the following:

1. A completed application form
2. Six copies of the order, requirement or decision that is being appealed.
3. Six copies of a plot plan or survey of the property involved in the appeal, showing the location of all existing and proposed buildings, with sizes drawn to scale.
4. When construction is involved, six copies of drawings to scale showing elevations and floor plans. The size of these drawings shall not exceed 11" by 17".
5. The application fee – see current schedule of fees.

Other requirements:

1. *Notice to the official whose decision is being appealed:* In accordance with the provisions of Section 8-7 of the Connecticut General Statutes, notice of the appeal shall be filed in a timely manner with the official whose order, decision or requirement is being appealed.
2. *Time periods for filing an appeal with the board:* In accordance with Section 8-7 of the Connecticut General Statutes, the Board adopted the following rule regarding the time in which an appeal may be brought to the Board:
  - (1) The time period for any appeal brought of any Cease and Desist Order issued by the Zoning Enforcement Officer or other appropriate party is fifteen (15) days.
  - (2) The fifteen (15) day time period for appeals of Cease and Desist Orders commences on the date of mailing of a certified letter to the person claimed to be in violation, or on the date of service by a state marshal or other appropriate party.
  - (3) The time period for any appeal brought of any other action, decision or requirement made by any official charged with the enforcement of zoning, not including Cease and Desist Orders, is thirty (30) days. The thirty (30) day time period for the appeals commences on either the date of publication in a newspaper, if such publication is required, or the date such an order, decision or requirement is issued.
3. *Appeal joined with a variance:* In accordance with the provision of Section 8-6a of the Connecticut General Statutes, an appeal may be joined with a request for a variance. In such a case, the applicant shall complete applications both for an appeal and for a variance, and the fees applicable to both applications shall apply.

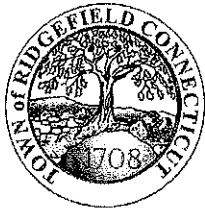


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### DESCRIPTION OF APPEAL

On April 9, 2021, the Zoning Enforcement Officer Richard S. Baldelli issued a zoning permit to the property owners The Giardini Limited Partnership and Pierandri Realty, LLC for property located at 63 Prospect Street. The zoning permit was improperly issued for the following reasons:

1. No site plan has been approved by the Zoning Enforcement Officer, as required by the zoning regulations in 2007 under the R-5 zoning district which then applied to the Property, and no site plan has been approved by the Planning & Zoning Commission and/or Zoning Enforcement Officer, as required by the zoning regulations under the MFDD zoning district which currently applies to the Property.
2. The plan on which the zoning permit was issued differs from the only plan ever approved by any agency of the Town, a plan purportedly approved by the Planning & Zoning Commission in 2007, in material and significant ways.
3. The zoning permit does not authorize the construction of any of the proposed site improvements, including the provision of parking spaces for the new construction.
4. The zoning permit permits the construction of living space within the basement of the structure, which is not allowed by either the 2007 zoning regulations or the current regulations.
5. The proposed plan does not comply with the building separation requirements.
6. The proposed plan does not comply with the current zoning regulations in a number of ways, including, inter alia, as to height, number of stories, building separation and parking.



# ZONING PERMIT

Planning & Zoning Department - Town Hall Annex  
66 Prospect Street Tel. (203) 431-2766 Fax: (203) 431-2737  
Town of Ridgefield

Permit No.: Z-21-316  
Permit For: Additions/Alterations  
Property Owner: GIARDINI LIMITED PARTNERSHIP, THE AND PIERANDRI REALTY, LLC  
Owner's Address: 63 PROSPECT ST RIDGEFIELD, CT 068774605  
Property Address: 63 PROSPECT ST  
Zone: R-5 Lot Size: 1.14 Lot No: E14-0190

## Project Description:

Additions and Renovation to existing residence to add an additional apartment in the rear

## Conditions of Approval:

- Erosion and Sediment Control measures shall be maintained in strict adherence to the 2002 Guidelines for Soil Erosion Control, DEEP Bulletin 34, as amended, and the Town of Ridgefield Modified Erosion Control standards, effective September 1, 2018, and shall remain in place until all work is complete and the site is fully stabilized.
- A Class A-2 Zoning Improvement survey showing the installed foundation shall be submitted to the Planning and Zoning Department prior to any work being started on the building walls.
- Prior to the Certificate of Zoning Compliance being issued, a Class A-2 "As-built" survey, prepared by a Connecticut licensed surveyor, showing the completed project, all buildings, structures, stormwater management system, and all site improvements shall be submitted to the Planning and Zoning Department.
- The surveyor shall state the Lot Coverage of all buildings in percentage.
- The surveyor shall state the Building Height.
- The surveyor shall state the Impervious Surfaces coverage in square feet.

Compliance with the June 4, 2007, #2007-038-SPA approval.

- Certification from a Connecticut licensed engineer that the stormwater management system applicable to this zoning permit has been properly installed and is functioning as designed.
- Certification from a Connecticut licensed landscape architect that the landscaping applicable to this zoning permit has been installed according to the approved landscaping plan.

Zoning Enforcement Official

April 9, 2021

Date



## TOWN OF RIDGEFIELD ZONING ENFORCEMENT OFFICER

**In accordance with Connecticut General Statute Section 8-3(f) the owner of the subject property and/or the applicant for a Zoning Permit or Certificate of Zoning Compliance may provide notice of such Zoning Permit or Certificate of Zoning Compliance by publication in a newspaper having substantial circulation in Ridgefield stating that the Zoning Permit or Certificate of Zoning Compliance has been issued. Any such notice shall contain: (A) a description of the building, use or structure, (B) the location of the building, use or structure, (C) the identity of the application, and (D) a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Section 8-7, as amended, and the rules and regulations of the Zoning Board of Appeals.**

In accordance with Connecticut General Statute Section 8-7, the issuance of a Zoning Permit or Certificate of Zoning Compliance may be appealed to the Zoning Board of Appeals within the time frame for appeal set by the Board. The appeal period for an aggrieved person shall commence at the earliest of the following : (1) upon receipt of the order, requirement or decision from which such person may appeal, (2) upon publication of a notice in accordance with Subsection (f) of section 8-3, as amended, or (3) upon actual or constructive notice of such order, requirement or decision.

66 Prospect Street - Ridgefield, Connecticut 06877

Phone: (203) 431-2766 - Fax: (203) 431-2737



# LAND USE & CONSERVATION COUNSEL

## LAND USE APPLICATION AUTHORIZATION

DATE: April 19, 2021

I/We, the undersigned, hereby grant full authorization and permission to Peter S. Olson, attorney at law, and the law firm known as Land Use & Conservation Counsel, to prepare, submit and pursue land use applications and appeals on my/our behalf, as owner of the following property:

12 Sunset Lane, Ridgefield, Connecticut

This authorization shall include, *inter alia*, the following authorizations and responsibilities to act on my/our behalf: (a) to sign application and appeal forms and related documents; (b) to sign letters to Boards, Commissions, or other municipal agencies; (c) to conduct meetings with staff; and (d) to grant extensions and withdraw applications.

This authorization shall expire only upon final approval or other termination of all related land use applications, or unless terminated in writing by me/us.

Paul N. Jaber

Paul N. Jaber

Date: 4/20/21

Suzanne Jaber

Suzanne Jaber

Date: 4/20/21