

Town of Chester  
203 Middlesex Avenue  
Chester Connecticut 06412-0218



telephone: 860-526-0013  
facsimile: 860-526-0004  
web page: chesterct.org  
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**CHESTER ZONING BOARD OF APPEALS (ZBA)**

**Application for Variance**

*To be completed by Zoning Officer:*

Submission date: \_\_\_\_\_

Next ZBA meeting: \_\_\_\_\_

Fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_

Variance #: \_\_\_\_\_

\*\*\*\*\*

*To be completed by Applicant:*

1. Date: \_\_\_\_\_

2. Applicant

a. Name: \_\_\_\_\_

b. Physical Address: \_\_\_\_\_

i. \_\_\_\_\_

c. Mailing Address (if different): \_\_\_\_\_

i. \_\_\_\_\_

d. Phone: \_\_\_\_\_

e. Email: \_\_\_\_\_

3. Is the Applicant a (circle one):

a. Individual Partnership LLC Corporation Other

b. If "Other" please specify: \_\_\_\_\_

4. Is the Applicant the (circle one):

a. Owner Tenant Prospective Buyer Agent for: \_\_\_\_\_

5. Property Owner's Name: \_\_\_\_\_

a. Name: \_\_\_\_\_

b. Physical Address: \_\_\_\_\_

i. \_\_\_\_\_

c. Mailing Address (if different): \_\_\_\_\_

i. \_\_\_\_\_

d. Phone: \_\_\_\_\_

e. Email: \_\_\_\_\_

6. Property for which a Variance or Appeal is requested:

a. Tax Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Zone: \_\_\_\_\_

b. Street Address \_\_\_\_\_

7. Is this an application for an Auto Repair, Auto Sales, or Parking Operation?

a. Yes: \_\_\_\_\_

b. No: \_\_\_\_\_



**8. This application is seeking (please check only one):**

- a. Variance from the Chester Zoning Regulations \_\_\_\_\_;
- b. Appeal of a decision of the Chester Zoning Compliance Officer: \_\_\_\_\_.

**9. Complete this section for a Variance application:**

- a. Specify the exact section(s) of the zoning regulations for which the variance is sought:
  - i. Section #: (e.g. 60-B) Section name: (e.g. Required Characteristics) \_\_\_\_\_
  - ii. Section #: \_\_\_\_\_ Section name: \_\_\_\_\_
  - iii. Section #: \_\_\_\_\_ Section name: \_\_\_\_\_
  - iv. Section #: \_\_\_\_\_ Section name: \_\_\_\_\_
  - v. *Is an additional sheet of paper attached listing more Sections?* No Yes
- b. Specify the conditions affected (e.g. front/side/rear setback, area, use, etc.):
  - i. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. If this is a request for a variance of Section 60-B (Required Characteristics) then provide the following information if it applies to your requested variance:**

- a. Front Setback:
  - i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): \_\_\_\_\_ feet
  - ii. Proposed linear encroachment into setback: \_\_\_\_\_ linear feet
  - iii. Proposed square feet of encroachment: \_\_\_\_\_ square feet
  - iv. Maximum height of the proposed structure in the setback: \_\_\_\_\_ feet.
- b. Side Setback:
  - i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): \_\_\_\_\_ feet
  - ii. Proposed linear encroachment into setback: \_\_\_\_\_ linear feet
  - iii. Proposed square feet of encroachment: \_\_\_\_\_ square feet
  - iv. Maximum height of the proposed structure in the setback: \_\_\_\_\_ feet.
- c. Rear Setback:
  - i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): \_\_\_\_\_ feet
  - ii. Proposed linear encroachment into setback: \_\_\_\_\_ linear feet
  - iii. Proposed square feet of encroachment: \_\_\_\_\_ square feet
  - iv. Maximum height of the proposed structure in the setback: \_\_\_\_\_ feet.
- d. Maximum Building Coverage (%):
  - i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): \_\_\_\_\_ %
  - ii. Square feet of building lot: \_\_\_\_\_ square feet
  - iii. Current coverage (all structures): \_\_\_\_\_ square feet; \_\_\_\_\_ %
  - iv. Proposed additional coverage: \_\_\_\_\_ square feet; \_\_\_\_\_ %
  - v. Proposed total coverage: \_\_\_\_\_ square feet; \_\_\_\_\_ %



**11. Provide a detailed description of the project or proposal:**

- a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**12. Why would strict application of the zoning regulations create a legal hardship?**  
*(Please read and understand the definition of a "legal hardship" as defined in the zoning regulations, with particular attention to the "Preamble" section of the regulations. The ZBA cannot grant a variance unless a legal hardship can be demonstrated.)*

- a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**13. Why is the hardship unique to your situation and not shared by others in the neighborhood?**

- a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**14. If the variance were to be granted, how would it affect the character of your neighborhood?**

- a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**15. If this is an Appeal of a decision by the Zoning Compliance Officer (ZCO), then describe the conditions and basis of the appeal:**

- a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**16. Is any portion of the property within 500 feet of another town's boundaries?**

- a.  Yes  No.
- b. If Yes, then list the name(s) of the town(s): \_\_\_\_\_

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**17. If the requested variance relates to the operation of a business, then:**

- a. List hours of operation: \_\_\_\_\_
- b. Provide a plan showing the location, size and construction of all signs.
- c. If the business sells vehicles, what is the maximum number of vehicles to be displayed: \_\_\_\_\_.

**18. List any improvements on the subject property since January 11, 1969, the date of inception of the Town of Chester Zoning Regulations.** This list should include residential dwelling, out buildings, septic systems, wells, etc. Include the date and brief description of each improvement.

- a. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**19. List any variances granted for the subject property since January 11, 1969.** Indicate the date of each variance, applicable Chester Zoning Regulations section numbers, description of improvements for which the variance was obtained, name of property owner when the variance was granted and the volume and page number of the Chester Land Records where the variance is recorded. Attach copy(s) of variances recorded in the Land Records.

- a. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. *Is an additional sheet of paper attached proving additional detail?*  No  Yes

**20. Application Fes Due:**

Item	Unit Cost	Units	Amount
State of Connecticut Department of Environmental Protection	\$60.00	1x	\$60.00
Town of Chester (covers cost of publishing public notices of meetings and decisions in <i>The Hartford Courant</i> , the official newspaper of record, and stenographic services)	\$265.00	1x	\$265.00
Postage for legal notice to surrounding neighbors within 500 feet. Fill in the number of surrounding neighbors and the total amount required for postage	<del>\$1.66</del> 1.84		\$
<b>TOTAL to be paid with your Application:</b> (Make checks payable to "Town of Chester, CT")	---	---	\$



**21. Checklist:**

**a. Before you submit your application to the ZBA:**

- i.  Do you understand the zoning regulations and “legal hardship”?
- ii.  Have you met with the Zoning Compliance Officer?

**b. To be submitted with your application to the ZBA:**

- i.  Plot plan drawn to scale (an A-2 survey is preferred but not required) showing entire property, location of all buildings, septic system, wells, and other structures and infrastructure, setback lines, existing and proposed structures, watercourses, and location of any items relevant to the hardship claimed. Include elevation contour lines if relevant to your application.
- ii.  Elevations (side views) drawn to scale of your proposed project (if applicable) in sufficient detail to understand what is proposed and how it relates to the existing structure(s).
- iii.  Tax map of surrounding property owners within 500 feet.
- iv.  List with names and addresses of property owners within 500 feet.
- v.  Deed to property.
- vi.  Tax Assessor’s field card.
- vii.  Copy of Inland Wetlands permit letter, if applicable.
- viii.  Copy of Coastal Site Plan, if applicable
- ix.  Twelve (12) collated & bound copies of your application & attachments
- x.  Filing fees (see above).
- xi.  You or your Agent should attend the ZBA meeting when you submit your application so you can answer any questions. This will help to ensure an efficient Public Hearing of your application at the next monthly meeting. This will also give you an opportunity to how the Public Hearing process works for other applicants.

**c. To be available at the Public Hearing of your application:**

- i.  The Applicant or the Applicant’s Agent must attend the Public Hearing of your application.
- ii.  Applicants/Agents may bring any additional information, materials, experts or advisors they wish. Applicants are encouraged to seek professional assistance from attorneys, engineers, architects or others as relevant to the proposal, but are not required to do so. Please note: Any materials presented at the Public Hearing must be retained by Chester Town Hall as part of the public record.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(required)

**Printed Name of Applicant:** \_\_\_\_\_

**Signature of Property Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(required)

**Printed Name of Property Owner:** \_\_\_\_\_



### Instructions to Applicants

#### **Introduction:**

Applying for a variance is a multi-step process, so please allow sufficient time. The steps are:

1. Meet with the Zoning Compliance Officer at Town Hall to review your proposed project.
  - a. Office hours are Monday and Wednesday, 8:00 to 12:00 noon.
  - b. Judy Brown: [JudyBrown@ChesterCT.org](mailto:JudyBrown@ChesterCT.org)
2. Submit your application to the Zoning Compliance Officer at Town Hall by 12:00 noon on the Wednesday before the regular ZBA meeting. ZBA meetings are held on the third Monday of the month.
  - a. Your application will then be "received" by the ZBA at its regular meeting, and if your application is complete, it will be scheduled for a Public Hearing at the next regular ZBA meeting.
3. At the Public Hearing, you will present your project, request for variance(s), and your justification for the variance. The public will also be invited to comment on your application.
  - a. If the ZBA believes they have all the information they require in order to make a decision, then they will vote on your application.
  - b. If the ZBA feels additional information is required (from the Applicant or a site visit), the Public Hearing may be continued at the next monthly meeting.
4. If the ZBA votes to approve your variance, it will not take effect until after public notice of the decision has been made (within 15 days of the decision), and the decision is not appealed within 15 days thereafter.
  - a. If there are no appeals to the decision, then the Applicant will be notified by mail and given instructions on how to secure their variance by filing the necessary documentation with the Town Clerk and paying a filing fee.

#### **Commercial or Business Applicants:**

1. Applications pertaining to gasoline stations, garages, auto showrooms, parking lots, and commercial uses must include plot plans showing the location of any pumps, height and size of signs, location, height and intensity of lights, plantings; curbs, sidewalks, street lines, exits and entrances.
2. Applications pertaining to gasoline filling stations, gas pumps, repairers or dealers' licenses, and motor vehicle junkyards must be accompanied by Connecticut Department of Motor Vehicles forms requiring ZBA approval.

#### **Notes:**

1. Upon the applicant's written request, the ZBA may, in its discretion, waive or vary elements of these applications requirements.