

**SECTION 140
ZONING BOARD OF APPEALS**

Section 140J is deleted and the following is substituted in lieu thereof:

140J. TERMINATION OF VARIANCE. Except as provided in 140K, the authorization of a Variance shall terminate pursuant to the following provisions:

140J.1. EFFECTIVE DATE.

A certified copy of the Notice of any Variance granted by the Zoning Board of Appeals shall be mailed to the appellant for filing in the Chester Town Clerk's office and recording in the Chester Land Records in order to become effective in accordance with the provisions of Connecticut General Statutes § 8-7, which filing and recordation of said Notice shall be completed within one year of the date of the said Notice (the recordation date of the Notice of variance in the Chester Land Records shall be the "Effective Date" of the Variance for the purposes of this Section except as established for Prior Variances in Section 140J.5). Any such Notice not timely filed and recorded shall terminate and shall be of no further force and effect. A copy of the recorded Notice shall promptly be provided to the Zoning Compliance Officer for the property file. **The "Notice of Variance" shall reference the Expiration provisions of Section 140J.2.**

140J.2. EXPIRATION.

The commencement of construction of any building, improvement or structure so authorized, or the establishment of any use so authorized shall be no later than two (2) years after the Effective Date of such Variance, unless the Zoning Board of Appeals shall have established a later date for such commencement of construction or establishment of use.

The construction of any building, improvement or structure so authorized by Variance shall be completed within two (2) years of the issuance of the Building Permit for such construction.

If any construction of any building, improvement or structure so authorized is not commenced or completed, or the establishment of any use so authorized is not established, as required under this Section, the Variance shall terminate and shall be of no further force and effect, unless an extension of any applicable time is requested in writing from and is granted by the Zoning Board of Appeals.

140J.3. ABANDONMENT.

If the building, improvement or structure so authorized, or the establishment of any use so authorized by the Variance is intentionally abandoned or is intentionally changed to conformity with these Regulations (without regard to such Variance), the building, improvement or structure so authorized, or the use so authorized shall terminate and the Variance shall be of no further force and effect.

140J.4. GRANT CONDITIONS. The Zoning Board of Appeals may impose conditions on the Grant of Variance, including but not limited to the time to complete the building, improvement or structure so authorized by the Variance, or the time to establish any use so authorized by the Variance. Upon the happening of any event causing termination under the conditions of the Grant of such Variance, or upon the expiration of such Variance by lapse of time, the Variance shall be of no further force and effect.

140J.5. PRIOR VARIANCES. The Variances listed below have been filed in the Chester Town Clerk's office and recorded in the Chester Land Records in accordance with the provisions of Connecticut General Statutes § 8-7 within ten (10) years prior to the date this Amendment becomes effective. The commencement or completion of construction of any building, improvement or structure so authorized, or the establishment of any use so authorized has not occurred. The listed Variances shall not be deemed to have expired and the Effective Date of the listed Variances for the purposes of Section 140J.1 and 140J.2 shall be May 1, 2018.

Barnick, Joseph -Castle View Extension -Filed and Recorded July 30, 2007 in Volume 140, Page 26 – Gateway

Chester Point Real Estate, LLC -72 Railroad Ave -Filed and Recorded on September 12, 2016 in Volume 166, Page 774 - Gateway

The Variances listed below were granted within five (5) years prior to the date this Amendment becomes effective have not been filed in the Chester Town Clerk's office and recorded in the Chester Land Records in accordance with the provisions of Connecticut General Statutes § 8-7. The Variances shall not be deemed to have expired, provided that a certified copy of the Notice of the Variance granted by the Zoning Board of Appeals is filed in the Chester Town Clerk's office and recorded in the Chester Land Records on or before May 1, 2018.

Mahoney, Joyce D and Kosswig, Carolyn - 6 Lakeview Ave - Granted February 22, 2016

Miles, Richard and Heather - 23 Lakeview Ave - Granted January 23, 2017

Any such Notice of Variance not timely filed and recorded shall terminate and shall be of no further force and effect. A copy of the recorded Notice of Variance shall promptly be provided to the Zoning Compliance Officer for the property file.

Approved: April 13, 2017
Effective: May 1, 2017

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Debra Desimini Calomari
TOWN CLERK