

Town of Chester
203 Middlesex Avenue
Chester Connecticut 06412



telephone: 860-526-0013
facsimile: 860-526-0004
web page: chesterct.com
e-mail: info@chesterct.com

ZONING BOARD OF APPEALS

ZONING OFFICIAL: 860-526-0013, EXT. 208

APPLICATION FOR VARIANCE

APPEAL OF DECISION BY
ZONING COMPLIANCE OFFICER

TO BE COMPLETED BY ZONING OFFICIAL
SUBMISSION DATE: _____

NEXT ZBA MEETING: _____

FEE PAID: \$ _____ CHECK # _____

VARIANCE # _____

To be completed by Applicant

1. Date: _____
2. Applicant:
 - a. Name: _____
 - b. Physical Address _____
 - c. Mailing Address (if different) _____
 - d. Phone _____ 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 Information:
 - a. Name: _____
 - b. Physical Address _____
 - c. Mailing Address (if different) _____
 - d. Phone _____ Email _____
6. Property for which **Variance** or **Appeal** is requested:
 - a. Tax Map # _____ Lot # _____ Zone _____
 - b. Street Address _____
7. Is this an application for Auto Repair, Auto Sales or Parking Operation?
Yes _____ No _____
8. This application is seeking (check **only** one)
 - a. **Variance** from the Zoning Regulations? Section # _____
 - b. **Appeal** of a decision by the Zoning Compliance Officer? _____

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

a. Specify the exact Section(s) of the Zoning Regulations for which variance is sought:

Section # _____ Section name: _____
Section # _____ Section name: _____
Section # _____ Section name: _____
Section # _____ Section name: _____

Use additional sheet(s) of paper for additional sections and attach to form.

b. Specify the conditions affected e.g., front/side/rear setback, area, use, etc.

10. Is this a request for a variance of Section 60-B (Required Characteristics), provide the following information if it applies to this requested variance:

a. Front setback:

Required as per relevant zone (e.g. R-2, Residential – 2 acre) _____ feet
Proposed linear encroachment into setback _____ linear feet
Proposed square feet of encroachment _____ square feet
Maximum height of proposed structure in setback _____ feet

b. Side setback:

Required as per relevant zone (e.g. R-2, Residential – 2 acre) _____ feet
Proposed linear encroachment into setback _____ linear feet
Proposed square feet of encroachment _____ square feet
Maximum height of proposed structure in setback _____ feet

c. Rear setback:

Required as per relevant zone (e.g. R-2, Residential – 2 acre) _____ feet
Proposed linear encroachment into setback _____ linear feet
Proposed square feet of encroachment _____ square feet
Maximum height of proposed structure in setback _____ feet

d. Maximum Building Coverage (%)

Required as per relevant zone (e.g. R-2, Residential – 2 acre)
Square feet of building lot _____ square feet _____ % percent
Current coverage (all structures) _____ square feet _____ % percent
Proposed additional coverage _____ square feet _____ % percent
Proposed total coverage _____ square feet _____ % percent

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

If additional information is needed, attach additional pages. *Additional information attached: ___ 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.)

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

If additional information is needed, attach additional pages. *Additional information attached: ___ No ___ Yes*

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

If additional information is needed, attach additional pages. *Additional information attached: ___ No ___ Yes*

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

If additional information is needed, attach additional pages. *Additional information attached: ___ No ___ Yes*

16. Is any portion of the property within 500 feet of another town's boundaries. ___ Yes ___ No

If **Yes**, list the name(s) of the town(s): _____

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:

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18. List any improvements on the subject property since January 11, 2016, the date of inception of the Chester Zoning Regulations. *(This list should include residential dwelling, out buildings, septic systems, wells, etc., including the date and brief description of each improvement.)*

If additional information is needed, attach additional pages. *Additional information attached: ___ No ___ Yes*

19. List any variances granted for the subject property since January 11, 1969. *(This should include the date of each variance, applicable Zoning Regulation 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.)*

If additional information is needed, attach additional pages. *Additional information attached: ___ No ___ Yes*

20. Applicant shall prepare and send advisory notice, in writing, to all property owners within 150 feet of the subject property by USPS Certificate of Mailing at no cost to the Town of Chester, and submit verification of Proof of Mailing of all sent notifications to the ZBA prior to scheduled Public Hearing, accompanied by list of all such property owners with mailing addresses. *(Consult Zoning Compliance Officer for instructions on information to be provided in advisory notice.)*

21. Application Fee Due

State of Connecticut Department of Energy and Economic Development	\$ 60.00
Town of Chester	<u>\$ 265.00</u>
<i>(Covers cost of publishing public notices of meetings and decisions and other administrative costs.)</i>	\$ 325.00

22. Checklist

Complete and submit the following Checklist with all required documentation before submitting application to the ZBA.



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CHECKLIST

NAME(S): _____

ADDRESS: _____ CITY _____ STATE _____ ZIP _____

PROPERTY LOCATION: ADDRESS: _____ CITY _____ STATE _____ ZIP _____

1. Before you submit your application to the ZBA
 - a. Do you understand the Zoning Regulations and “legal hardship”?
 - b. Have you met with the Zoning Compliance Officer?
2. To be submitted with your application to the ZBA:
 - a. Plot plan drawn to scale (an A-2 survey is preferred but not required) showing the entire property, location of all buildings, septic system, wells, other structures, watercourses, location of any items relevant to the hardship claimed, including elevation contour lines if relevant to your application.
 - b. 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).
 - c. Tax map of surrounding property owners within 150 feet.
 - d. List of names and addresses of property owners within 150 feet.
 - e. Tax Assessor’s field card
 - f. Copy of Inland Wetlands permit letter, if applicable
 - g. Copy of Coastal Site Plan, if applicable.
 - h. One collated and bound copy of the application and attachments and electronic version of application and attachments.
 - i. Filing fees (see Item 21, above)
 - j. You and/or your Agent should attend the scheduled 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. It will also give you an opportunity to view how the Public Hearing process works for other applicants.
3. Be available at the Public Hearing of your Application
 - a. The Applicants and/or the Applicant’s Agent **must** attend the Public Hearing of your application.
 - b. 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 in the Chester Town Hall as part of the public record and cannot be returned.

Signature of Applicant(s): _____

Printed Name of Applicant(s): _____

Signature of Property Owner(s): _____

Printed Name of Property Owners(s): _____



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. Schedule a meeting by calling the Zoning Office at 860-526-0013, Ext. 208, or send email to ZoningOfficial@chesterct.org.
2. Submit your application to the Zoning Compliance Officer at the Town Hall no later than 12:00 noon on the Wednesday before a regular ZBA meeting. ZBA meetings are held on the third Monday of the month.
 - a. Your application will be “received” by the ZBA at a regular meeting and, if your application is complete, it will be scheduled for a Public Hearing at the next regular ZBA meeting, following publication of a Legal Notice.
3. At the Public Hearing, you will present your project and your justification for a 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 junk yards 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 application requirements.