

Town of Chester 203 Middlesex Ave Chester Connecticut 06412
Chester Zoning Board of Appeals

Zoning Compliance Officer:

To Whom It May Concern,

I am writing to the Zoning Board of Appeals to consider my request to renew my original application for a variance for property at 6 Lakeview Ave, Chester.

My request for approval of the variance for this property was approved in March 2016. Since that time there have been no changes to the original application as it pertains to the request for variance I have since purchased the property and have made that change on the enclosed application. An extension for this variance was granted in 2018 as was allowed at that time.

I am requesting that my variance be extended thru 2021 as I am in a position to build on the property at this time .

Enclosed please find a new application reflecting the change in ownership. None of the other details in the application have changed. I have also enclosed a copy of the deed to the property and a copy of the granted (2016) variance by the Zoning Board. All other paperwork site plans etc are on record in the Zoning Office.

Please contact me if you have any questions regarding this request. I will be available at any time to discuss this with you.

Sincerely,

Mary Jane Fisher

20 Fishing Brook Rd

Westbrook, CT 06498 (860)304-9247

Town of Chester
203 Middlesex Avenue
Chester Connecticut 06412-0218



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

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: 10-08-2020
2. Applicant
 - a. Name: Mary Jane Fisher
 - b. Physical Address: 20 FISHING BROOK RD
i. WESTBROOK CT 06498
 - c. Mailing Address (if different): _____
i. _____
 - d. Phone: 860-304-9247
 - e. Email: MJPFISH@AOL.COM
3. Is the Applicant a (circle one):
 - Individual Partnership LLC Corporation Other
 - b. If "Other" please specify: _____
4. Is the Applicant the (circle one):
 - Owner Tenant Prospective Buyer Agent for: _____
5. Property Owner's Name: Mary Jane Fisher
 - a. Name: _____
 - b. Physical Address: 20 Fishing Brook RD
i. Westbrook CT 06498
 - c. Mailing Address (if different): _____
i. _____
 - d. Phone: 860-304-9247
 - e. Email: MJPFISH@AOL
6. Property for which a Variance or Appeal is requested:
 - a. Tax Map #: 12/14 Lot #: _____ Zone: R-2
 - b. Street Address 6 Lakeview Ave - Chester CT 06412
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 #: 60-B Section name: Required Characteristics
- iii. Section #: 50-0 Section name: extension or expansion
- 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. minimum lot area, minimum lot width, minimum lot rectangle, front set back, rear setback, side setback maximum building coverage

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): 40 feet
- ii. Proposed linear encroachment into setback: 20 linear feet
- iii. Proposed square feet of encroachment: 735 square feet
- iv. Maximum height of the proposed structure in the setback: 19 feet.

- b. Side Setback:

- i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): 40 feet
- ii. Proposed linear encroachment into setback: 10 linear feet
- iii. Proposed square feet of encroachment: 496/897 square feet
- iv. Maximum height of the proposed structure in the setback: 19 feet.

- c. Rear Setback:

- i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): 40 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: 19 feet.

- d. Maximum Building Coverage (%):

- i. Required as per relevant Zone (e.g. R-2: Residential-2 acre): 15 %
- ii. Square feet of building lot: 8,447 square feet
- iii. Current coverage (all structures): 1014 square feet; 12.0 %
- iv. Proposed additional coverage: 667 square feet; 7.9 %
- v. Proposed total coverage: 1681 square feet; 19.9 %

Required Variances

50D EXTENSION OR EXPANSION

60B REQUIRED CHARACTERISTICS

Characteristic	Required	Existing	Proposed	
Min. area buildable land (sq. ft.) (See 40B.1. Preexisting Substandard Parcels)	30,000 x 1/3 = 10,000	8,447 sf	8,447 sf	
Min. lot area (acres)	2	.19 ac	.19 ac	
Min. lot width (feet)	200	98.38'	98.38'	
Min. lot rectangle (feet)	150 x 300	96.13' x 98.38'	96.13' x 98.38'	
Front setback (feet)	40	16.5'	25' (-15)	*Reduced
Rear setback (feet)	40	4.0'	20' (-20)	*Reduced
Side setback (feet)	40	4.4'	10.75' (-29.25)	*Reduced
Side setback (feet)	40	21.5'	30' (-10)	*Reduced
Building Coverage (%)	15%	12.0%	19.9%	



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

- a. owner seeks to build a year round one-story house at 6 Lakeview Ave dependent on approval from town of Chester
- 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. see attached
- 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. N/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. A year round residence would be established in place of a seasonal cottage
- 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. N/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): _____

12. Why would strict application of the zoning regulations create a legal hardship?

The parcel is located in a R-2 zone total compliance with the zoning regulations is not possible. Therefore the applicant requests that the Board consider that the elimination and reduction of several existing non-conformities as identified in the application are sufficient justification to grant a variance to sections 50-D & 60-B of the Town of Chester Zoning Regulations.

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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. 1991 garage
2013 garage

- 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	\$1.66 1.84		\$ 12.88
TOTAL to be paid with your Application: (Make checks payable to "Town of Chester, CT")	---	---	\$ 337.88



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. *N/A* Copy of Inland Wetlands permit letter, if applicable.
- viii. *N/A* 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: Mary Jane Fisker Date: 10-08-2020
(required)

Printed Name of Applicant: Mary Jane Fisker

Signature of Property Owner: Mary Jane Fisker Date: 10-08-2020
(required)

Printed Name of Property Owner: Mary Jane Fisker



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
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.

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Town of Chester
203 Middlesex Avenue
Chester Connecticut 06412



telephone: 860-526-0013
facsimile: 860-526-0013
web page: chesterct.org

Copy of
granted
variance
03-03-2016

NOTICE OF VARIANCE

You are hereby notified that on February 22, 2016, the Chester Zoning Board of Appeals granted a variance to the applicant for an application for a variance, effective fifteen (15) days from the date of its publication in the Chester Town Courant, said publication date being March 3, 2016.

- 1. OWNER/APPLICANT: Mary Jane Fisher
20 Fishing Brook Road
Westbrook, CT 06498
- 2. DESCRIPTION OF PREMISES: Tax Map 12, Lot 141, Zone R2
6 Lakeview Avenue
- 3. APPLICABLE ZONING REGULATION: Section 60B, Required Characteristics (minimum lot area, minimum lot width, minimum lot rectangle, front, rear and side setbacks, maximum building coverage) and Section 50D, Nonconforming Uses & Improvements, Extension or Expansion
- 4. NATURE OF VARIANCE: To build a year round one story house on existing site
- 5. CONDITIONS OF VARIANCE:
 - 1) Provide certified site survey plan with signature and date of survey
 - 2) Merge two parcels prior to obtaining a certificate of zoning approval for a building permit
 - 3) The commencement of construction of any building, improvement or structure 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. For this variance to be effective you must record the certified copy of this Notice on the Chester Town Land Records in the Office of the Chester Town Clerk.

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,

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or the establishment of any use so authorized is not established, as required under Section 140J of the Zoning Regulations, 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.

THIS VARIANCE IS SUBJECT TO THE EXPIRATION PROVISIONS OF SECTION 140J OF THE ZONING REGULATIONS.

Chester Zoning Board of Appeals

Mark Borton (pb)
By: Mark Borton, Chairman

This is to certify that the foregoing is a true copy of a Variance issued by the Chester Zoning Board of Appeals on February 22, 2016.

Chester Zoning Board of Appeals

Mark Borton (pb)
By: Mark Borton, Chairman

RECEIVED FOR RECORD A
5/24/2017 AT 10:04 M
Andrew Schuman
Asst. TOWN CLERK

#596

RECEIVED FOR RECORD
~~5/24/17~~ AT 12:04 PM
AND RECORDED IN CHESTER
LAND RECORDS

VOL 168 PAGE 549 BY
Wendell DeStacion
TOWN CLERK
DeSt.

After recording, return to:
Mary Jane Fisher
20 Fishing Brook Road
Westbrook, CT 06498

WARRANTY DEED – STATUTORY FO

copy of
Deed to
property
6 Lakeview Ave
Chester
03-22-2016

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME

KNOW YE, That we, **Joyce D. Mahoney** of Bar Harbor, Maine and **Robert Roberts**, of the Town of Berlin, County of Hartford and State of Connecticut and **Carolyn Kosswig**, of the Town of Bristol, County of Hartford and State of Connecticut (hereinafter referred to as the “**Grantors**”), for the consideration paid in the amount of One Hundred Thousand Nine Hundred and 00/100 (\$100,900.00) Dollars received to our full satisfaction of **Mary Jane Fisher** of Westbrook, Connecticut (hereinafter referred to as the “**Grantee**”), do hereby give, grant, bargain, sell and confirm unto the said Grantee with **WARRANTY COVENANTS**, all of our interest in and to a certain piece or parcel of land with the buildings and improvements thereon and appurtenances thereof, known as 6 Lakeview Avenue, situated in the Town of Chester, County of Middlesex and State of Connecticut, bounded and described in Exhibit A attached hereto and made a part hereof.

Said premises are conveyed subject to any and all provisions or any ordinance, municipal regulation or act of public or private law; any state of facts an accurate survey or personal inspection of the property might reveal; provided that none of the above interfere with the present location of any building now located on the property, prevent the use of the property as residence or render title to the property unmarketable; restrictions recited in deed dated 10/16/1929 and recorded 11/5/1929 in Volume 16 at Page 679 of the Chester Land Records; restrictions recited in deed dated 5/10/1955 and recorded 5/15/1955 in Volume 28 at Page 437 of the Chester Land Records; and to real estate taxes due the Town of Chester for the List of October 1, 2015 and thereafter, which taxes the Grantee herein assumes and agrees to pay as part consideration for this deed.

Being the same premises conveyed to the Grantors herein by deed dated 3/15/1999 and recorded 3/22/1999 in Volume 98 at Page 818; by deed dated 3/15/1999 and recorded 3/22/1999 in Volume 98 at Page 820; by deed dated 6/13/2011 and recorded 7/11/2011 in Volume 152 at Page 447, all of the Chester Land Records.

756.75 State Conveyance Tax Received

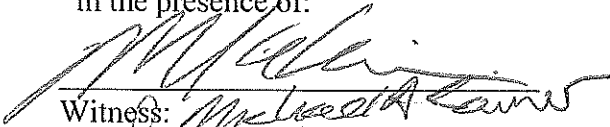
Union M. Chapman
Asst. Town Clerk of Chester

\$ 252.25 Conveyance Tax Received

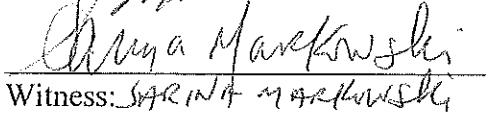
Union M. Chapman
Asst. Town Clerk of Chester

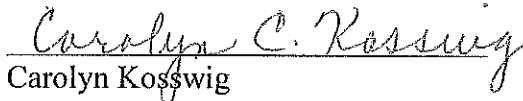
IN WITNESS WHEREOF, we the Grantors have hereunto set our hands and seal this 23rd day of March, 2016.

Signed, Sealed and Delivered
in the presence of:


Witness: Michael A. Carrier


Elaine M. Roberts


Witness: Anna Markowski


Carolyn Koswig

STATE OF CONNECTICUT)

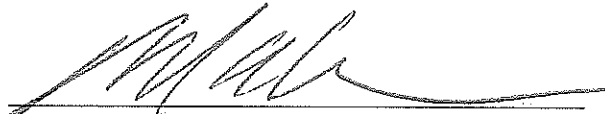
) ss. New Britain

March 23, 2016

COUNTY OF HARTFORD)

On this the 23rd day of March, 2016, before me, the undersigned officer, personally appeared **Elaine M. Roberts and Carolyn Koswig** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Michael A. Carrier
Commissioner of the Superior Court

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 22nd day of March, 2016

Signed, Sealed and Delivered
in the presence of:

James Mahoney
James Mahoney
Eileen McGlinchey Fahy
Eileen McGlinchey Fahy

Joyce D. Mahoney
Joyce D. Mahoney

STATE OF MAINE)
) ss. Bar Harbor
COUNTY OF HANCOCK)

On this the 22 day of March, 2016, before me, the undersigned officer, personally appeared Joyce D. Mahoney known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lisa M. Spencer Colbeth
Notary Public
My Commission Expires:

LISA M. SPENCER COLBETH
NOTARY PUBLIC
State of Maine
My Commission Expires
October 27, 2018

Latest address of the Grantees:
20 Fishing Brook, Road
Westbrook, CT 06498

Schedule "A"
(Legal Description)

FIRST PIECE:

Two parcels of land, being lots #52 and 53 as set out on a Map entitled Cedar Lake Terrace, which said Map is on file in the office of the Town of Chester, County of Middlesex and the State of Connecticut and said parcels and lot are bounded:

NORTHERLY by land, now or formerly of W. J. Marsland, 50 feet;
SOUTHERLY by Lakeview Avenue, 50 feet;
EASTERLY by Lot #51 on said Map, 100 feet, more or less; and
WESTERLY by Lot #54 on said Map 100 feet, more or less

SECOND PIECE:

Beginning at the southwesterly corner of the herein described parcel of land, which point is N 80° 13' 31" E 50.00' from an iron pipe found at the southwesterly corner of land of Joyce D. Mahoney, et al, and also N 09° 46' 29" W 0.56' from an iron pipe found; Thence N 09° 46' 29" W 96.79' along said land of Joyce D. Mahoney, et al, to an iron rod to be set; Thence N 80° 13' 31" E 26.09' along land now or formerly of Linda Glenny, et al, to a point at the northeasterly corner of the herein described parcel of land, said point being N 22° 44' 42" W 0.15' from a threaded rod found; Thence S 22° 44' 42" E 99.32' along land now or formerly of Robert E. Seaburg to a point on the northerly streetline of Lakeview Avenue; Thence S 80° 13' 31" W 48.38' along the northerly streetline of Lakeview Avenue to the point of beginning.

Containing ±3,604 square feet (±0.08 Acres).

Reference is made to a certain map entitled "SURVEY OF LAND OF PALME M. CARENZA, JOYCE D. MAHONEY, ET AL, AND RAPHAEL J. CARENZA LAKEVIEW AVENUE CHESTER, CONNECTICUT SCALE: 1" = 20' DATE: SEP 1997" by Land Survey & Technical Services, Inc., which map is to be filed in the Chester Land Records.

The Grantors and Grentee agree that the First Piece and Second Piece described above are merged together into one lot for tax and zoning purposes.

RECEIVED FOR RECORD
9/20/16 AT 10:09 M
Christina Centron
TOWN CLERK
Christ

4029
RECEIVED FOR RECORD
9/30/18 AT 10:09 AM
AND RECORDED IN CHESTER
LAND RECORDS

VOL 165 PAGE 809 BY
Sharon V. Peterson
TOWN CLERK
David

Parcel ID: 12-139
SEABURG GLENN
11376 BARLEY FIELD WAY
MARRIOTTSVILLE MD 0211041339

Parcel ID: 12-140
COBB WILLIAM W + LORI
29 CEDAR LAKE RD
CHESTER CT 06412

Parcel ID: 12-141
FISHER MARY JANE
20 FISHING BROOK RD
WESTBROOK CT 06498

Parcel ID: 12-142
PERINI VALERIE C
1 ROCKINGHAM CT
BEDFORD NH 03110

Parcel ID: 12-214
CRESCENTINI VALENTINE J JR + TARA
K
189 DEERFIELD DR
BERLIN CT 06037

Parcel ID: 12-215
BOISJOLY MARCEAU M
S LAKE VIEW AVE
CHESTER CT 06412

Parcel ID: 12-216
GRECO VICTOR W + PATRICIA A
3 LAKE VIEW AVE
CHESTER CT 06412