



Zoning Board of Appeals  
338 Main Street Winchester, CT 06098  
Telephone: 860-738-6593 Fax: 860-738-6598  
Application # \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Fee \$ \_\_\_\_\_

**APPLICATION TO APPEAL A DECISION BY THE WINCHESTER ZONING ENFORCEMENT OFFICER**

(If there are two or more applicants, provide the following information for each)

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**Property Information**

Owner(s) of subject property: \_\_\_\_\_  
Street address of subject property: \_\_\_\_\_

Is the property located with 500 feet of any town line? Yes \_\_\_\_\_ No \_\_\_\_\_ If so, which town?  
\_\_\_\_\_

Date of Zoning Enforcement Officer's decision: \_\_\_\_\_  
Description of the Zoning Enforcement Officer's decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**ATTACH TO THIS FORM:**

1. Reasons and information explaining the reason for the appeal of the ZEO's decision.
2. Written confirmation that the ZEO has been notified of the appeal.
3. Application fee; cash or check payable to the Town of Winchester.
4. Applicants are responsible for all costs associated with this application (i.e. legal publications, mailings, engineer reviews).

If the application is submitted by a Limited Liability Corporation (LLC), a Limited Liability Partnership (LLP) or if the owner of the property is an LLC or LLP, the applicant must provide written documentation as to who are the members of the LLC or LLP.

The applicant must provide written permission from the members of the LLC or LLP permitting the filing of the appeals application. This permission may be in the form of a written corporate resolution signed and dated by all members of the LLC or LLP or other signed and dated authorization from the owners of the property.

If it is member-managed LLC or LLP all members of the LLC or LLP must sign a written document granting permission for the application to be filed.



Zoning Board of Appeals  
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website: [www.townofwinchester.org](http://www.townofwinchester.org)

Application # \_\_\_\_\_

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**Notice to All Zoning Board of Applicants who are appealing a  
Decision of the Zoning Enforcement Officer**

This checklist must be submitted with the completed application.

1. The Application to the Zoning Board of Appeals must be filled out completely or it may be denied by the Board as incomplete.

2. Application fees are not refundable. The application fee is **\$50.00**, \*plus the state fee of \$60 \*(Section 22a-27j of the Connecticut General Statutes requires that a **\$60.00** additional fee be charged for all ZBA applications) and **\$275** publication fee.

The total fee payable to the Town of Winchester is **\$385.00**.

3. Outside Consultants Costs: (An outside consultant means a professional who is not an officer or employee of the Town). If the Board requires a review by an Outside Consultant i.e. engineer, hydrologist, environmental, or planning consultant the applicant must pay for the cost of the Outside Consultants review. If the Board requires an outside consultant to review your application a written estimate of the cost of the review is requested by Board Staff and the written estimate is sent to the applicant.

The applicant then pays the Town for the Cost of the Outside Consultant and the Town pays the Outside Consultant for the review. The review of the Outside Consultant required by the Commission will not begin until the cost of the review is paid by the applicant to the Town of Winchester. If the cost of the outside consultant review fee is not paid in a timely manner, it may lead to the denial of your application by the Board as incomplete due to the required statutory time frames as to when the Board must render a decision on your application.

By signing this, you acknowledge that you have read the all of the Information stated in this document entitled **Notice to all Zoning Board Appeals Applicants Who are Appealing a Decision of the Zoning Enforcement Officer** and agree to pay all costs associated with this application submitted to the Winchester Zoning Board of Appeals.

\_\_\_\_\_  
Applicant or Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed By

\_\_\_\_\_  
Date

**This sheet must be submitted with the completed application.**

## **ZONING BOARD OF APPEALS GUIDELINES AND PROCEDURES FOR APPLICANTS WHO APPEAL A DECISION OF THE ZONING ENFORCEMENT OFFICER**

The following guidelines shall assist applicants in submitting an application to appeal the decision of the Zoning Enforcement Officer (ZEO) pursuant to the powers authorized by the Connecticut General Statutes.

Applications requesting to overturn the decision of the ZEO must explain in detail and provide reasons for the appeal. All appeals taken under Connecticut General Statutes Section 8-7 shall be filed with the Zoning Commission **OR** the Zoning Enforcement Officer from whom the appeal has been taken **AND** with the Zoning Board of Appeals under whichever is the sooner of the following time periods:

- a) Within forty-five (45) days of the order, requirement, or decision; *or*
- b) Within twenty-one (21) days of actual notice of decision; *or*
- c) Within twenty-one (21) days of the posting of a sign on the property that a certification has been issued by the Zoning Enforcement Officer for the issuance of a building permit, if said posting is required by the Planning and Zoning Regulations.

All applicants should follow the guidelines listed below in the following order:

1. Visit the Building and Land Use Office, Winchester Town Hall, 2nd Level, 338 Main Street. An office appointment can be arranged by calling (860) 738-6593, Monday through Wednesday 8:00AM to 4:00PM, Thursday 8:00AM through 7:00PM, and Friday 8:00AM through 12:00PM.

2. Both the Planner and the Zoning Enforcement Officer are available to explain the application process in detail, respond to any comments or questions regarding the application form, and inform you as to the documentation required to complete the process.

3. The Planning Office will inform you as to the date and time of the next regularly scheduled meeting of the Zoning Board of Appeals and the deadline date for submitting the completed application. The Zoning Board of Appeals meets in the P. Francis Hicks Room, 2<sup>nd</sup> Floor, Winchester Town Hall, 338 Main Street, the fourth Tuesday of each month, unless otherwise noted. All meeting dates, meeting minutes, and agendas are posted in the Office of the Town Clerk and are available for review on the Town of Winchester website:

[www.townofwinchester.org](http://www.townofwinchester.org)

4. In order to post the proper legal notice, the application form and other documentation must be complete. Staff must receive all applications by the date reflected as *Due Date* in the official Meeting Schedule as filed annually with the Town Clerk. This requirement ensures that the required legal notices can be properly prepared, worded, and published in the newspaper in a timely manner as required by the Connecticut General Statutes.

5. A checklist attached to the application must be completed and submitted as part of the application.

*The following items must be submitted with your application:*

- Cash or a check for the required fee made payable to the Town of Winchester.
- Reasons, information, and documentation explaining the reason for the appeal of the ZEO's decision.
- A signed copy of the **Notice to All Zoning Board of Appeal Applicants** who are appealing a decision of the ZEO must be submitted with the application.

- The applicant may submit photographs with the application or at the Public Hearing. All submitted photographs become part of the record and will remain with the application file in the Building and Land Use Office.
6. Your application form and other documentation must be submitted to the Land Use Office.
7. As soon as the completed application form and related documentation has been received, the process will begin. A copy of the Public Hearing legal ad notice shall be provided by the Town, which you are then required to mail to all abutting property owners within ten (10) to fourteen (14) days prior to the public hearing. For purposes of such notice, proof of mailing shall be evidenced by a certificate of mailing.
8. Once the application is received, the required legal notice posted in the newspaper, and adjoining property owners are notified, the applicant must attend the public hearing on the application.
9. The applicant and or his agent must attend the public hearing and must be prepared to present the application to the Zoning Board of Appeals on the night of the public hearing. The following is a typical meeting scenario that may occur at a regular meeting of the Winchester Zoning Board of Appeals:
- The Chairman or presiding Officer of the Zoning Board of Appeals calls the meeting to order.
  - The Chairman announces the application on the public hearing agenda and then the legal notice that was published twice in the newspaper is read aloud.
  - The Board will then ask if anyone is in the room to present the Appeal Application. Please be aware that the Board has already received a copy of your application along with a staff memo reviewing the application. It is highly recommended that the applicant retain a copy of the submitted application and documents for their use when presenting the application to the Board.
  - The applicant is invited to either sit or stand at the meeting table and explain to the Board exactly why the ZEO was in error in making his or her decision as the decision relates to the Zoning Regulations of the Town of Winchester.
  - The ZEO then provides evidence and documentation as to how his or her decision was made as it relates to the Zoning Regulations.
10. The Board must consider the following facts when reviewing a request to overturn the decision of the ZEO:
- Did the ZEO make an error in the issuance of an official order or decision as the decision relates to the Zoning Regulations of the Town of Winchester?
  - The Board is not being adversarial when it asks questions of the applicant or listens to public comment on an application. The Board has a responsibility pursuant to the Connecticut General Statutes to hear all people.
11. After the Board has heard from the applicant, the public, and asked questions, the Board has the following options:
- The Board can close the hearing and render a decision that night.
  - The Board can continue the hearing for thirty-five (35) days in order to permit the applicant or ZEO to provide more information for the next public hearing. Once the public hearing is closed, no new information can be submitted by the applicant or received by the Board from any parties.

- The Board can close the hearing and table action on the application because the Board has sixty-five (65) days from the date of the close of the public hearing to render a decision on the application.
- The Board may continue the public hearing and schedule a site walk to visit the property, which is the subject of the appeal application. A site walk is not a meeting at which testimony will be taken by the Board members rather it is an opportunity for the Board members to see the property themselves prior to rendering a decision on a pending application.

12. If the Board makes a decision on the application, staff will send a letter of the Board's decision to the applicant and publish a legal notice in the newspaper within fifteen (15) days from the date of the decision of the Board.