



**CITY OF DERBY  
BUILDING DEPARTMENT  
1 ELIZABETH STREET  
DERBY, CONNECTICUT 06418**

Telephone 203-736-1481  
Facsimile 203-736-1480

File No. \_\_\_\_\_ Ward No. \_\_\_\_\_  
Date of: \_\_\_\_\_ Hearing \_\_\_\_\_ Decision \_\_\_\_\_

**APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE**

I. Location of Property 27 John St. Ave. Zoning District R-3  
Building Line \_\_\_\_\_  
North East \_\_\_\_\_  
Side between \_\_\_\_\_ St./Ave and \_\_\_\_\_  
South West \_\_\_\_\_

II. Name of Owner Perry Dow & Miller Dow Address 27 John St.  
Date of Purchase 3-21-2003

Name of present proposed tenant Perry  
or proposed purchaser \_\_\_\_\_

Name and Signature  
Of Appellant [Signature] Address 27 John Street

**III. THIS APPEAL relates to:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> PRINCIPAL BUILDING(S) AND ITS OR THEIR: | <input type="checkbox"/> ACCESSORY BUILDING(S) | <input type="checkbox"/> LAND                                      |
| <input type="checkbox"/> USE                                     | <input type="checkbox"/> LOT AREA              | <input type="checkbox"/> DISTANCE BETWEEN BUILDINGS                |
| <input type="checkbox"/> NO. OF DWELLINGS                        | <input type="checkbox"/> AVERAGE LOT WIDTH     | <input type="checkbox"/> AMOUNT OF PARKING OR LOADING              |
| <input type="checkbox"/> FLOOR AREA                              | <input type="checkbox"/> BUILDING COVERAGE     | <input type="checkbox"/> LOCATION OF PARKING/LOADING               |
| <input checked="" type="checkbox"/> YARDS                        | <input type="checkbox"/> BUILDING HEIGHT       | <input type="checkbox"/> SIGNS                                     |
| <input type="checkbox"/> SIZE OF COURTS                          | <input type="checkbox"/> USABLE OPEN SPACE     | <input type="checkbox"/> OTHER - Variance to permit into rear yard |

IV. Section(s) of zoning ordinance appeal from:

195-11 E(6) 16'-0" side setback

V. Precise Variance(s) sought:

4'.6" side setback

VI. Lot Dimensions (width x depth): 93' x 194'± Lot  
Area .53 AC

List all existing Building(s) and Use(s) on this lot, giving symbol for legal basis of each. (PR – permitted as of right; PS – permitted by special exception; PV – previous variance; NCU – nonconforming use existing at effective date of ordinance or amendment, CAL – previous certificate of approval of location – motor vehicle uses):

- (1) PR Single Family Residence
- (2)

VII. Describe in detail the **difficulty and unreasonable hardship** asserted to be in the way of carrying out the strict letter of the zoning ordinance:

The Owner is wheel chair bound and the existing 2 Bedroom 1 Bath home is not accessible nor suitable for the health & safety of the occupants. The owner's 26 year old daughter also has a learning disability and cannot live an independent life style. This home as is creates a large life safety issue for this family.

VIII. What circumstances concerning this property are **peculiar** to it and not applicable to the area as a whole? Explain:

IX. Would the requested variance be subject to appropriate **conditions** and **safeguards**?

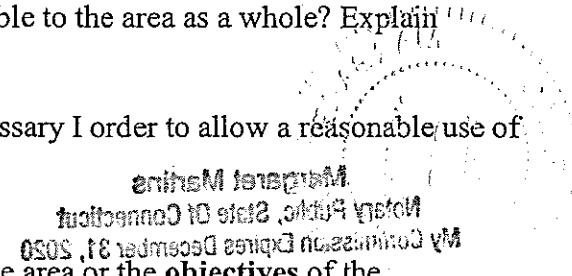
Explain: NO

X. Would the requested variance be in **harmony** with the general purpose and intent of the Ordinance? Explain:

yes This single family proposed 3 Bedroom 2 Bath sided as many neighboring homes.

XI. If the requested variance is a **use** variance, answer each of the following: *N/A*

1. Do the zoning regulations allow **no reasonable use** of the property in question for reasons **peculiar** to the property and not applicable to the area as a whole? Explain
2. Is the use proposed the **minimum** variance necessary in order to allow a reasonable use of the property? Explain:
3. Will the use impair the essential **character** of the area or the **objectives** of the **comprehensive plan** of the City? Explain:
4. If any attempts have been made to **Sell** the property for use in accordance with the purposes for which it is zoned supply the following information:
  - a. Period(s) in which placed on market and agent(s) in each period:
  - b. Period(s) listed with Real Estate Board:
  - c. Period(s) advertised in newspaper (attach copy of one or more of such ads, if any):
  - d. Other sales efforts during each period:
  - e. Asking price during each period:



**XII. Value Date:**

- a. Date owner purchased the property: *3/21/2003*
- b. Purchase price: *\$160,000.00*
- c. Date and declared value of subsequent building permits: *N/A*
- d. Current assessment: *\$146,360.00*
- e. Use(s) to which owner has put the property since purchase: *Single Family*
- f. Gross and net income of each of the last 3 years:

XIII. State of Connecticut  
City of Derby

\_\_\_\_\_  
Date

Personally appeared \_\_\_\_\_

Authorized Agent for \_\_\_\_\_ Owner, who made  
oath that the statements herein were true and correct before me.

Margaret Martins  
Notary Public, State Of Connecticut  
My Commission Expires December 31, 2020

\_\_\_\_\_  
Notary Public  
Commissioner of the Superior Court

XIV.  Hearing Fee to be paid upon filing of this application – see Fee List attached.

Bulk Variances

Use Variance

Use and Bulk Variance

Required plans filed with Appeal as follows:

a) 8 Copies of a scaled Plot Plan, with North arrow, showing the lot in question and the following (if any):

1. Existing building,
2. Proposed construction and use outdoor areas,
3. Existing and proposed curb cut, driveways, and parking and loading facilities,
4. Existing and proposed fences, walls, landscaping and signs,
5. That part of any building on adjoining lots that are located within 20 feet of the lot in question and
6. Such other information as may be required to define clearly the question involved.

b) 7 Copies of scaled Floor Plans and Elevations:

For each floor and each side of proposed construction, including use of all floor areas.

**BELOW THIS LINE FOR BOARD USE ONLY**

---

XV. Communication with regard to this Appeal received from:

- |                          |                    |                                       |                                      |
|--------------------------|--------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> |                    | <input type="checkbox"/> Health Dept. | <input type="checkbox"/> Engineering |
| <input type="checkbox"/> | Traffic Commission | <input type="checkbox"/> Police Dept. | <input type="checkbox"/>             |
| <input type="checkbox"/> |                    | <input type="checkbox"/> Fire Dept.   | <input type="checkbox"/>             |
- 

XVI. Previous Zoning Board of Appeals cases at this location (file number, year, proposed construction and/or Board Decisions and Court decisions where applicable.)