

APPLICATION TO ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

| | | | | | |
|--|-----|----|----------------------------|-----|----|
| CAM Zone? | Yes | No | Is property within 500' of | | |
| CAM Review Required? | Yes | No | another municipality? | Yes | No |
| CAM Review Included? | Yes | No | If yes, was notice sent? | Yes | No |
| Is this application for reversal of a ZEO decision? | | | Yes | No | |
| If yes, was a copy of application <u>filed</u> with the ZEO? | | | Yes | No | |
| Existing conditions: Nonconforming use ___ Nonconforming setback ___ Street frontage ___ | | | | | |
| Nonconforming lot ___ Height ___ Width ___ Area ___ | | | | | |
| Other _____ | | | | | |

| | |
|-----------------|--------------|
| Application # | _____ |
| Submittal Date: | _____ |
| Receipt Date: | _____ |
| Receipt # | _____ |
| Application Fee | \$ 500 |
| State Fee | <u>\$ 60</u> |
| Total | \$ 560 |

Applicant & Property Identification

Applicant: _____ Phone _____

Address: _____

Email: _____

Agent (if applicable): _____ Phone _____

Address: _____

Email: _____

Address of Property: _____

Property Owner: _____ Phone _____

Check one or more as appropriate

Section A - Application for Reversal of ZEO Decision

“Reference §15.9-C-(1) of the Ledyard Zoning Regulations & Chapter 124 §§’s 8-6 & 8-7 of the Connecticut General Statutes. Application for appeal must be made within fifteen (15) days of (1) receipt of the order, requirement, or decision of the ZEO, (2) the publication of a notice of the ZEO’s decision per CGS §8-3-(f), or (3) actual or constructive notice of such order, requirement, or decision, whichever is earlier, as provided by CGS §8-7. A copy of this application must be filed with the ZEO and with the ZBA within the fifteen (15) day period.”

Identification of ZEO decision(s) being appealed? _____

Justification(s) for appeal (attach additional pages if necessary) _____

Section B - Application for Certificate of Variance to the Zoning Regulations

Zoning Regulation(s) to be varied: (attach additional pages if necessary) _____

Proposed Certificate of Variance: (attach additional pages if necessary) _____
 (for filing in land records) _____

Grounds for Appeal (should address purpose of variance, criteria for granting of variance including any exceptional difficulty or unusual hardship on which a ZBA decision to grant the requested variance can be supported – Reference CGS §§’s 8-6 & 8-7).

Attach additional pages if necessary) _____

Prior appeals to ZBA regarding property? If yes – application #(s) and dates _____

Section C - Application for Location Approval for Dealing in and/or Repairing Motor Vehicles (Ref: CGS §14-54(b))

Section D – Application for Location Approval for Gasoline Station (Ref: CGS §14-321)

Application Checklist – 10 Copies

- Completed, signed, and dated application form.
- Copy of receipt of payment of application fee (from ZEO office).
- Assessor’s Property Card.
- Assessor’s Map showing location of subject property.
- Letter authorizing agent to act on behalf of applicant (if applicable).
- Clarifying and/or supporting information (including correspondence, other agency decisions, photos, etc.)
- Topological survey map – required only if needed to render decision.
- Site plan showing lot dimensions, area, north arrow, septic location, well, setback distances, and locations of proposed and existing structures drawn to scale – required only if necessary to render decision.

The undersigned acknowledges that delays may occur in the variance or ZEO decision appeal process due to the possibility of the public hearing being continued if necessary to reach a proper decision. For a variance application, the undersigned also acknowledges having read the information on the reverse side of this application and has received an instruction sheet for calculating setback reductions.

Applicant Signature: _____

Date: _____

Supplemental Information Regarding Variances

Duty of ZBA: To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

Variance – Definition: The authority granted to a property owner to use his property in a manner forbidden by the zoning regulations.

Unusual Hardship – Definition: The inability or exceptional difficulty to be able to reasonably use a property in conformance with the zoning regulations due to a peculiar or unique feature of the property that is different in kind from that generally affecting other properties in the same zoning district.

Variance Requirements: A variance should be granted only when (a) the varied application of the regulations is “in-harmony” with the regulation’s general purpose and intent; and (b) adherence to the strict letter of the zoning ordinances is shown to cause an unusual hardship that is unnecessary to the carrying out of the general purposes of the comprehensive zoning plan (zoning map & zoning regulations).

A variance must not affect substantially the comprehensive zoning plan.

The hardship must be unusual – different in kind from that generally affecting other properties in the same district.

To grant a variance, the record created by the public hearing must contain evidence of exceptional difficulty or unusual hardship because of some peculiar or unique characteristic of the parcel of land.

Economic hardship is not a proper basis for granting a variance unless the application of the regulations to the property greatly decreases or practically destroys its value, or prevents all reasonable uses of the property.

A self-created hardship is not sufficient grounds for granting a variance.

A variance should be based on the condition of the land, not the identity of the property owner.

A variance may be allowed if it will reduce or eliminate an existing nonconformity.

A variance runs with the land and is not personal to the applicant.

A variance is not allowed if it will adversely affect public health, safety, or welfare.

The ZBA may attach reasonable conditions to the granting of a variance.

A grant of variance may be granted as a reasonable accommodation if requested under the Fair Housing Act, 42 U.S.C. §§3601-3631, or the Americans with Disabilities Act, 42 U.S.C. 12101-12213

The applicant has the burden of showing that the "Variance Requirements" are satisfied before being entitled to a grant of variance.

ZBA Constraints:

The ZBA must state on its record a collective official reason for its action, the regulation(s) varied, and a description of the unusual hardship.

The ZBA is not allowed to grant a variance to allow a use that would not otherwise be allowed in the district.

The ZBA may, but is not required, to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board on an earlier such application.