

ZBA VARIANCE or APPEAL APPLICATION

WESTPORT ZONING BOARD OF APPEALS Tel: 203-341-1030 Fax: 203-454-6145

INSTRUCTIONS for APPLICANT: For Questions visit P&Z office Daily 9:00-11:30.

Complete pgs 1 & 2 then, REVIEW & COLLECT ALL materials listed on pgs 3&4.

When all is collected DROP OFF to P&Z OFFICE DAILY between 8:30 & 4:00.

After the STAFF REVIEW is complete, a Hearing Date will be set. Please Review pgs. 5&7.

Note: Commercial projects may require Architectural Review Board approval, If needed. You MUST submit ARB application BEFORE going to ZBA Hearing.

OFFICE USE ONLY

Application#: _____

Submission Date: _____

Receipt Date: _____

Fee Paid: _____

1. Property Address: _____ Zone: _____
Commercial Property: or Residential:
2. Applicant's Name: _____ E-Mail: _____
Applicant's Address _____ Daytime Tel: _____

NOTE: Below List Owner's Name (s) as appears on the DEED (No abbreviations) If more space needed submit list.

3. Property Owner's Name: _____ E-Mail: _____
Property Owner's Address: _____ Daytime Tel: _____

4. Is this property on: a Septic System: or Sewer:
5. Is this property within 500 feet of any adjoining municipality? Yes No
6. Does this project involve the **demolition** of any **structures** that are **50 years old or more**? Yes No

7. Briefly Describe your Proposed Project: _____

8. Will any part of any structures be demolished? No Yes - If **Yes** Attach a Demolition Plan:

9. List each "**Regulation Section Number**" you are requesting a variance for: *i.e. (Sec 6-2 = Set back)*

10. List any other variances that are requested to legalize any previous issues: *i.e. (Sec 11-5 Coverage for existing shed)*

11. List the **PROPERTY HARDSHIP(s)** or **REASON(s)** why this Variance or Appeal should be granted, stating clearly the exceptional difficulty **REGARDING YOUR PROPERTY**. **Note: Financial Hardship will NOT warrant a variance approval see pg 5.**

I hereby certify that the above information is correct and that the accompanying exhibits attached are true.

Applicant's Signature (If different than owner)

Owner's Signature (Must be signed)

If the applicant is unable to obtain the signature of the property owner, a letter of authorization by the property owner must be submitted.

TO BE COMPLETED BY OWNER/ APPLICANT

After all required materials are collected, DROP OFF to P&Z OFFICE DAILY between 8:30 & 3:00 ONLY.

BUILDING PLANS (TITLE) _____

BY: _____ DATE _____ NUMBER of PGS. _____

REVISED DATE _____ NUMBER of PGS. _____

SURVEY OR SITE PLAN (TITLE) _____

BY: _____ DATE _____ NUMBER of PGS. _____

REVISED DATE _____ NUMBER of PGS. _____

GROSS LOT AREA: _____ **NET LOT AREA:** (*less 80% wetlands or steep slopes*): _____

SETBACKS: Front / Side / Rear) (From Survey)

Existing: _____ / _____ / _____

Required: _____ / _____ / _____

Proposed: _____ / _____ / _____

FLOOR AREA / FAR:

Existing: _____

Allowed: _____

Proposed: _____

COVERAGE: Building / Total (From Survey)

Existing: _____ / _____

Required: _____ / _____

Proposed: _____ / _____

PARKING:

Existing: _____

Required: _____

Proposed: _____

HEIGHT: In Feet / # of Stories

Existing: _____ / _____

Required: _____ / _____

Proposed: _____ / _____

SIGNS:

Existing: _____

Required: _____

Proposed: _____

ATTIC / HALF STORY:

Existing: _____ / Proposed: _____

LANDSCAPING:

Existing: _____

Required: _____

Proposed: _____

CRAWL SPACE - CELLAR - BASEMENT:

Existing: _____ / Proposed: _____

NOTE: If you submit Revised Plans – You **MUST SUBMIT A COVER LETTER** listing **EACH CHANGE & 9 COPIES**.

REVISIONS FEE: Revised Plans, which require additional staff review **ADDITIONAL FEE** of **HALF** of original Appl. fee is **REQUIRED**.

ZBA APPLICATION REQUIREMENTS:

Any Application for a “**VARIANCE**” or for a Notice of “**APPEAL**” must be prepared on this Form.

After you have collected all materials listed below that pertain to your project bring to ZBA Office Daily 8:30 am - 3:00 pm.

Circle Fee: Residential Uses = \$ 360.00 Commercial Uses = \$ 660.00 Signs = \$ 285.00
Appeals of ZEO Decisions = No fee (A State fee of \$60.00 is included in these fees per STATE ACT 92-235)

Plan Revision Fee is required: Revised Plans, which require additional staff review **ADDITIONAL FEE** of **HALF** of original Appl required.

APPLICATION MUST BE ACCOMPANIED; BY THE FOLLOWING: *Bring ALL required materials to your staff check appointment.*

- 1. APPLICATION FEE** – Cash or Check, made payable to **Town of Westport**, per above fee schedule above.
- 2. CONSERVATION DEPT – BEFORE** submitting to ZBA Visit room 205 to request a QUICK SHEET or Copy of CONSV. PERMIT.
- 3. DEEP - OLISP** – Only needed if project is for Shoreline Flood & Erosion Control Structures, as per (CGS 22a-109)
- 4. COASTAL SITE PLAN APPLICATION** - If the proposed project requires a **CAM Site Plan**, you **MUST ALSO** submit a completed **Coastal Site Plan Application** **ALONG WITH** the ZBA Application (See Sec. 31-10). Ask Staff for CAM Review Forms.
- 5. ARCHITECTURAL REVIEW BOARD** - Commercial projects may require an ARB review. ARB is an advisory board only. **You MUST** submit an ARB Application **BEFORE** going to ZBA. **If changing building FACADE** or **SIGNAGE #10**. Ask for the "Appearances before the ARB" hand-out which is available at the P&Z office.
- 6. SURVEY of EXISTING CONDITIONS drawn to scale** – **Bring 8 FULL SIZE** max 24"x36"; **1 MUST be Signed & Sealed.** Prepared by **Engineer** or **Surveyor**; Showing property address, setback lines, existing coverage & lot dimensions. **Not more than 10 yrs. old.** (Submit all maps & plans **FOLDED not ROLLED**).
- 7. SURVEY/ PLOT PLAN (PROPOSED) drawn to scale** – **Bring 8 FULL SIZE** max 24"x36"; Include all the following data:
 - Dimensions of present lot, area, yard and any proposed changes. (**FOLDED not ROLLED**).
 - Size and location of all EXISTING buildings, structures, A/C condenser units & generators.
 - Size and location of all PROPOSED buildings, structures and/or additions.
 - Location of all water courses, areas subject to flooding, stone walls, driveways & parking areas; show any easements and such other information as may be necessary to clearly define the project.
 - Setbacks and lot coverage of all buildings, structures, A/C condenser units & generators (*existing & proposed*).
 - Existing and Proposed contours, site elevations & floor elevations.
- 8. BUILDING PLANS (PROPOSED) drawn to scale** – **8 TOTAL; 2 FULL SIZE** max 24"x36" & **6 REDUCED** “to scale” 11"x17”. If you are constructing a New Building, or an Addition or Alteration connected to or involved with an existing building submit **EXISTING FLOOR PLANS & BUILDING ELEVATIONS** and **MUST BE SUBMITTED** along with the **PROPOSED FLOOR PLANS & BUILDING ELEVATION, CLEARLY LABELED.**

PLAN REVISIONS Fee: Which require additional staff review require **ADDITIONAL FEE** of **HALF** of the original fee.
If you submit Revised Plans – You MUST SUBMIT A COVER LETTER listing **EACH CHANGE & 9 COPIES.**
 Any modifications to materials must be submitted at least **14 days** prior to the scheduled ZBA hearing date.
- 9. A DEMOLITION PLAN MUST BE SUBMITTED.** Clearly indicate where walls, roofs, foundations & windows will be removed or demolished in both an elevation & footprint view. All building plans MUST be to scale showing dimensions of additions & building height. An **Attic Plan** may be required *if* height of structure is in question.
The structure CANNOT be demolished unless it has been specifically requested on this application.
- 10. Send an Electronic PDF version of “EACH” Survey, Map, Building Plans & any Revised version also must be submitted;**
(CD, USB or E-mail pandz@westportct.gov are acceptable

- 11. SIGNAGE – All Free Standing signs & Wall signs =50 SF+ REQUIRE review by ARB – Bring ARB approval with this Application.**
 - a. **All SIGNS: (8)** copies of the **SIGN SKETCH, “DRAWN to SCALE”**
 - b. **WALL SIGNS: (8)** copies of a **FAÇADE SKETCH to scale** showing the proposed signage.
 - c. **FREE STANDING SIGNS: (8)** copies of the **SITE PLAN** showing the **PROPOSED SIGN & LOCATION**.

- 12. Two weeks prior to submitting your application: Call Staff 203-341-1030 to request Staff prepare the Mailing materials 9a.**
FEE = (\$25.00 + Envelopes See C-2) below; read carefully as you will need time to prepare: (Cash or Check only Payable to Town of Westport)

NEW NEIGHBOR NOTIFICATION PROCESS: Envelope MUST have new RED STAMP on it before mailing (8 b&c).

- a. **MATERIALS:** 250’ Neighbor List, Assessor’s Map, Field Card & Labels for both Envelopes & MAIL CERT Form.
STAFF will CALL you to pick up when ready & will review the NEW Envelope process below + Mail 1 to P&Z office.

 - b. **The ENVELOPE preparation process has changed: BEFORE YOU PREPARE ENVELOPES NOTE:**
Return address MUST be Planning & Zoning 110 Myrtle Ave Westport, CT 06880 = LABELS are in P&Z office.
NEW STAMP IS REQUIRED on each ENVELOPE saying: URGENT TOWN NOTICE LETTER in color “red”.

 - c. **When Staff Calls you to pick up your mailing materials you need to TELL STAFF that you will EITHER:**
 - 1. **Bring in your own #10 White Envelopes to P&Z and You will apply our Red Stamp to them in office OR**
 - 2. **Purchase the Pre-Printed Envelopes from P&Z at .15 each. Staff will advise quantity per (8a) above.**

 - d. **NOTICE LETTER FORM is attached:** Fill in the blanks: **Date:** Use Date you will submit Application.
Project Description: Write **Subdivision** and **how many lots**. **PHOTO COPY letter:** *Quantity per list from #8a.*
Fill each envelope with a Notice Letter and **bring** all stuffed envelopes to P&Z office **WITH** your **Application**.
DO NOT MAIL - PREPARE ONLY, PREMATURE MAILING may require that you REPEAT mailing process.

 - e. **Staff will give you Post Office CERT Form #3877 and review process to Prepare Certificate of Mailing Form. AFTER your application is accepted,** you will be advised to take Mailing materials to Post Office.

 - f. **URGENT:** The Post Office will then **STAMP** your **Certificate of Mailing Form**.
You **MUST BRING** that **STAMPED FORM** back to P&Z office **ASAP** or your **Application will not be “Legal Noticed”** which will cause it to be delayed & moved to next hearing date.
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- 13. OWNERS WRITTEN AUTHORIZATION LETTER** is required if application is submitted by **ANYONE OTHER THAN OWNER**.

 - 14. SITE VISITS:** Be advised; the ZBA members and/or staff may carry out informal site visits to subject property.
These visits may take place during the two-week period prior to your scheduled ZBA Hearing.

For project “QUESTIONS” visit P&Z Dept Room 203 Every Morning: Mon - Fri: 9:00am to 11:30am.

HARDSHIP

WHAT IS LEGALLY REQUIRED?

ZONING BOARD OF APPEALS (ZBA)

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To determine and vary the application of the zoning regulations, but only in harmony with the general purpose and intent of the regulations *and* only with respect to a parcel of land having unusual conditions, not generally encountered within that zoning district, which would make development in full accordance with the regulations extremely difficult. In legal terms, the conditions must be such as to cause “exceptional difficulty or unusual hardship.”

Variances of the zoning regulations may be granted only “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.”

The courts have strictly interpreted the variance requirements set forth in C.G.S. Section 8-6, and they have sustained several appeals from decisions in which variances were improperly granted. Financial considerations are rarely a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. In addition, the fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient. **The HARDSHIP must arise from the operation of the regulations on the land, not on the landowner, and the land must be “peculiarly disadvantaged” by the regulation for which a variance is being sought.**

ZBA HEARING PROCESS

1. Prior to hearing, Call verify your hearing date & location.
2. Come to Room 203 to review your file. It is Applicant’s responsibility to view any materials that may have been submitted by other parties: *Mon - Fri 8:30-4:30*
3. On the evening of your hearing, please arrive at Town Hall promptly at 7:00 pm.

WHEN YOUR CASE IS ANNOUNCED AT THE HEARING DO THE FOLLOWING:

4. Proceed to the podium, speak clearly into the microphone.
5. State your full name and address.
6. State your interest in the property: (Owner, Agent or Attorney, etc.)
6. As briefly as possible, explain what you perceive your property HARDSHIP is and describe your proposed project.
7. Offer to answer questions from Board members and wait for the final discussion.

Notice Letter

To whom it may concern:

Date Application Submitted: _____

This letter is being sent to you to make you aware of the Application listed below.

Notice is hereby given that _____ has filed a _____
(Print Applicant's Full Name) (List Type of Application)

For Listed Proposed Project Description below **Copy from page 1- line 7:**

With the Town of Westport / Zoning Board of Appeals

For approval for _____
(Address of Property)

The public hearing for this application will be, scheduled at the discretion of the Zoning Board of Appeals.
A Legal Notice of Public Hearing for this application will be, published twice prior to public hearing in a local newspaper.

To view this application details please:

Visit www.westportct.gov Click: **Department & Services** / P&Z Dept, **Pending Applications**, or
Visit the P&Z office in room 203 at *Town Hall, 110 Myrtle Ave, Westport, CT 06880. Monday - Friday 8:30 - 4:30*

To submit a letter of support or objection for above listed project: E-mail your letter to pandz@westportct.gov.

For Future Reference:

If you wish to receive E-mail Notifications of future hearings follow these directions:

1. Go to Town Website at www.westportct.gov.
2. On left tool bar Click: **Sign up for e-Notification**, Subscription page will open.
3. Type in your E-mail Address, *twice as requested*.
4. Click each **Board / Committee/ Category** you want to receive an *e-Notification* from.
5. When you complete your selections, Click: **Subscribe**.
6. You will soon receive an E-mail confirmation.

Thank you, _____
(Print Applicant's Full Name)

MEMORANDUM

TO: Whom it may concern
FROM: Mary Young, Planning & Zoning Director
DATE: *November 01, 2016*
SUBJECT: Complete Applications & Receipt of Materials

THIS NOTICE IS FOR ALL APPLICANTS WHO FILE APPLICATIONS FOR REVIEW BY
THE **PLANNING & ZONING COMMISSION** *or* THE **ZONING BOARD OF APPEALS**

Applicants are to submit all materials necessary to review an application in a timely manner in order to allow for adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals.

Effective January 1, 2009 pursuant to Sections 43-4, 44-1, 46-4 and 52-3 all applicants must submit the required documents for an application at the time of submission in order to be considered a complete application. An application must be complete a minimum of 7 days prior to a public hearing. A public hearing will not be held for incomplete applications.

Subsequent plan modifications and/or supplemental materials may be submitted. However, pursuant to Section 43-3.2 and 52-3.2 such materials must be submitted at least 14 days prior to the scheduled public hearing date, subject to the exception below. This requirement may be waived by the Chairman of the elected Commission and/or Board at its discretion.

Materials submitted less than 14 days prior to a hearing will be received into the record as required in accordance with the Connecticut General Statutes. Items submitted less than 14 days prior to a public hearing or at a public hearing, may not be reviewed or discussed until the next scheduled hearing. A hearing may be left open if substantial materials are submitted by an applicant less than 7 days prior to the hearing to allow adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals. This requirement may be waived by the Chairman of the elected Commission and/or Board at its discretion.

Thank you for your cooperation.

cc: Planning & Zoning Commission
Zoning Board of Appeals