

# 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.**

12. 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:

- Plans & surveys must not exceed 24'x 36
- All application materials must be submitted in digital format using a flash-drive or by forwarding individual PDF documents to zba@westportct.gov
- All revisions, supplemental plans, reports, and/or documents will require a new digital copy

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)

1. **Application Form:** 6 copies Must be filled out in its entirety. If any document is missing or incorrect the Application will not be accepted until we receive the items required.
2. **Application Fee** – Cash or Check, made payable to **Town of Westport**, per fee schedule above.  
**Note:** *After-the-fact applications are subject to double the application fee.*
3. **Coastal Area Management Application:** If in the CAM zone, submit 6 copies of the completed CAM application along with ZBA Submission.
4. **Existing Conditions Survey:** 6 copies, signed and sealed & to scale as required in accordance with §44-1 of Westport Zoning Regulations.
5. **Site Plan, Proposed Survey and/or Building Plans:** 6 copies, full size, detailed and to scale.
6. **Demolition Plan** (*if applicable*): 6 copies Must be submitted if any structure is to be demolished. A structure cannot be demolished unless it has been specifically requested on the application. Clearly indicate where walls, roofs, foundations & windows will be removed or demolished in both an elevation & footprint view. An Attic Plan may be required *if* height of structure is in question.
7. **DEEP - OLISP** – Only needed if project is for Shoreline Flood & Erosion Control Structures, as per (CGS 22a-109).
8. **Neighbor Notification Process:** Pursuant to Public Act 06-80 all ZBA applicants are required to submit a Certificate of Mailing. The certificate of mailing (1 copy) must be returned to the office up to 48 hours after submission along with 6 copies of the 250' (Zone AA and Commercial) or 500' (Zone AA and AAA) neighbor list, assessor's map, & field card. Required documents can be found at: <https://www.axisgis.com/WestportCT/>.
9. **Signage**– All Free Standing signs & Wall signs 50sf + require ARB review. A copy of their approval is required at time of submission of ZBA application.
  - a. **All SIGNS:** 6 copies of the sign sketch “drawn to scale”.
  - b. **WALL SIGNS:** 6 copies of a façade sketch to scale showing the proposed signage.
  - c. **FREE STANDING SIGNS:** 6 copies of the site plan showing the proposed sign and location.

**Note:** The neighbor notifications must be mailed the same day as you submit your application. **Premature mailings may result in a supplemental mailing.** Return address and “**Urgent Town Notice Letter**” Stamp needed for envelopes available in the P&Z Office.

## How to process your neighbor notification letters

1. Go to <https://www.axisgis.com/WestportCT/>
2. Hit "I Agree" when prompted by the GIS disclaimer
3. Click on "Search" and enter the property's address for your application
4. When the addresses populate below the search bar, select the correct address
5. A parcel box will populate; within that box, click "Vision Online Property Records"
6. A new window will open; here you will click on "Field Card" in red
  - a. Print six (6) copies to submit with your application
  - b. Exit the new window and field card
7. Select "Abutters" next to the search bar in GIS
  - a. Enter the appropriate number of feet and then hit select

(Note – parcels in zones A and Commercial are 250' and zones AA and AAA are 500'. This information can be found at the bottom of your field card)

- b. On the right side of the screen, click on the printer to "Print Current Map", select "Print PDF", then once the green box appears, select "Print" and a new window will open
    - c. Print six (6) copies of this map for your application
    - d. Exit the new window
8. Select "PDF" next to "Abutters Report"
  - a. Print one (1) copy of this document for your application
  - b. Exit this window
9. Select "PDF" next to mailing labels, then click "Mailing Labels PDF" to generate labels
  - a. Print two (2) copies – one for your certificate of mailing (blank copy attached to your application) and another copy to place on your envelopes
  - b. Exit this window

Once you've gathered the above information: Fill out your ZBA Notice Letter (blank copy attached to your application) and mail to your abutters within 48 hours of handing in your application. **Please remember** to write or stamp\*\* your envelopes with "**Urgent Town Notice**" and use our address as the return label (110 Myrtle Ave, Planning and Zoning Room 203, Westport, CT 06880). It is required that an additional letter be mailed to the Westport Planning and Zoning Department as part of your application.

Envelopes are sold in the Planning and Zoning Office for .50 per envelope.

An "**Urgent Town Notice**" stamp is also located in the Planning and Zoning office to complete envelope requirements.

If you need assistance, please call (203) 341-1079 or e-mail [zba@westportct.gov](mailto:zba@westportct.gov)

# ZBA Notice Letter

*To whom it may concern:*

Date: \_\_\_\_\_

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

Notice is hereby given that \_\_\_\_\_ has filed a **VARIANCE**  
( *Applicant's Full Name* )

For Listed Proposed Project Description below:

With the Town of Westport / **Zoning Board of Appeals**

For approval for

( *Address of Property* )

**The public hearing date for this application will be**, scheduled at the discretion of the Zoning Board of Appeals.  
A Notice of Public Hearing for this application will be published on the town's website.

**To view application details please:** Visit <http://www.westportct.gov> under *ZBA Pending Applications & Recent Approvals*.

**To submit comments for above project:** Mail or E-mail letter to [zba@westportct.gov](mailto:zba@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](http://www.westportct.gov)
2. On the top tool bar Click: **How Do I . . .**
3. On the left tool bar Click the following in order: **Communicate with the Town** then **Subscribe to Westport Emergency, Meetings, and News eNotifications**
4. Scroll down to **Meeting & News eNotifications** and type in your E-mail Address and your Name.
5. Click each **Board / Committee / Category** you want to receive E-mail Notifications from.
6. When you complete your selections, Click: **Submit**.
7. You will soon receive an E-mail confirmation.

Thank you, \_\_\_\_\_  
( *Applicant's Full Name* )



UNITED STATES POSTAL SERVICE

Certificate of Mailing - Form

Name and Address of Sender: TOTAL NO. of Pieces Listed by Sender; TOTAL NO. of Pieces Received at Post Office™; Affix Stamp Here Postmark with Date of Receipt

Postmaster, per (name of receiving employees)

USPS® Tracking Number; Item-specific Identifier; Address (Name, Street, City, State, and ZIP Code™)

Postage; Fee; Special Handling; Parcel Affix

Table with 5 columns: Tracking Number, Item-specific Identifier, Address, Postage, Fee, Special Handling, Parcel Affix. Rows 1-5 are numbered 1 through 5.

# **HARDSHIP**

## **WHAT IS LEGALLY REQUIRED?**

*ZONING BOARD OF APPEALS (ZBA)*

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 7:00pm.

### **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.

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# MEMORANDUM

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**TO:** Whom it may concern  
**FROM:** Mary Young, Planning & Zoning Director  
**DATE:** *November 01, 2018*  
**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





**Town of Westport**  
**Planning and Zoning Department**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Fax: 203-454-6145 Email: [PandZ@westportct.gov](mailto:PandZ@westportct.gov)  
[www.westportct.gov](http://www.westportct.gov)

**TO:** Whom it May Concern  
**FROM:** Michelle Perillie, Deputy Planning and Zoning Director  
**DATE:** Effective January 23, 2023  
**SUBJECT: Complete Applications**

**THIS NOTICE IS FOR ALL APPLICANTS FILING APPLICATIONS FOR REVIEW BY THE ZONING BOARD OF APPEALS**

Sign off from the Conservation Department and the Aspetuck Health District is NOT REQUIRED prior to review by the Zoning Board of Appeals but is advised since these departments may require modifications to the plans. Once a variance application is granted, any changes to the plans will require a NEW application and NEW application fee.

Connecticut General Statutes (CGS) §22a-105 requires that a Coastal Site Plan application be submitted for any application for a variance submitted to the Zoning Board of Appeals in accordance with Section 31-10.5 of the Westport Zoning Regulations. Applicants will not be permitted to submit a Coastal Site Plan application to the Planning and Zoning Commission in lieu of the Zoning Board of Appeals.

Thank you for your cooperation.

cc: Planning & Zoning Commission  
Zoning Board of Appeals