

# VARIANCE or APPEAL APPLICATION

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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.

Applicant must 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 & 3:00 ONLY.

After the STAFF REVIEW is complete you will be notified with a Hearing Date. Please read pgs 5&7.

Note: Commercial projects may require Architectural Review Board approval, if needed.

You MUST submit the ARB application BEFORE going to ZBA Hearing.

**OFFICE USE ONLY**

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

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

Fee Paid: \_\_\_\_\_

1. Property Address: \_\_\_\_\_ Zone: \_\_\_\_\_  
Commercial Property:  or Residential:

2. Applicant's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Applicant's Address \_\_\_\_\_ Daytime Tel: \_\_\_\_\_

3. Owner's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
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 6.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

**CRAWLSPACE - 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. # \_\_\_\_\_  
 Submission Date \_\_\_\_\_  
 Date of Hearing \_\_\_\_\_

## ZBA APPLICATION REQUIREMENTS:

All Applications for a **VARIANCE** or Notice of **APPEAL** must be prepared on the Official Form.

Filing Place: Zoning Board of Appeals Office – 110 Myrtle Ave - Town Hall Room 203.

Time: Office Hours: Mon, Wed & Fri = 8:30 a.m. - 3:00 p.m. Tues & Thurs = 8:30 a.m. - 4:30 p.m.

**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:** Revised Plans which require additional staff review ADDITIONAL FEE of HALF of original Appl. fee is 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. DEEP - OLISP – Only needed if project is for Shoreline Flood & Erosion Control Structures, as per (CGS 22a-109).
- 3. 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.
- 4. 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 #11. Ask for the "Appearances before the ARB" hand-out which is available at the P&Z office.**
- 5. EXISTING CONDITIONS SURVEY – 8 Total: 2 FULL SIZE & 6 Reduced to SCALE. Prepared by Engineer or Surveyor with property address, setback lines, existing coverage and dimensions of lot. *Not more than 10 yrs old.* (Submit all plans FOLDED not ROLLED).
- 6. PLOT PLAN / SURVEY (PROPOSED) – 8 Total: 2 FULL SIZE & 6 REDUCED to SCALE. Prepared by **Engineer or Surveyor** to Class A-2 standard, showing all the following as of the date of the application:
  - Dimensions of present lot, area, yard and any proposed changes.
  - Size and location of all EXISTING buildings, structures, A/C condenser units and generators.
  - Size and location of all PROPOSED buildings, structures and/or additions.
  - Location of all water courses, areas subject to flooding, stone walls, driveways and parking areas, easements and such other information as may be necessary to clearly define a question involved.
  - Setbacks and lot coverage of all buildings, structures, A/C condenser units & generators (existing & proposed).
  - Existing and Proposed contours, site elevations and floor elevations.
- 7. BUILDING PLANS (PROPOSED) - 8 Total: 2 FULL SIZE & 6 REDUCED to SCALE – 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**. All plans must be drawn to SCALE.

**PLAN REVISIONS:** 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.

- 8. A DEMOLITION PLAN MUST BE SUBMITTED. **Clearly indicate where walls, roofs, foundations and 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.**

- 9. Send an Electronic PDF version of EACH Survey, Map & Building Plan and any Revised version also must be submitted;**  
*(CD, USB or E-mail [pandz@westportct.gov](mailto:pandz@westportct.gov) are acceptable).*
  
- 10. 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, to scale.
  - b. WALL SIGNS also need, - ( 8 ) copies of a FAÇADE SKETCH to scale showing the proposed signage.
  - c. FREE STANDING SIGNS also need, ( 8 ) copies of the SITE PLAN showing the PROPOSED SIGN & LOCATION.
  
- 11. PREPARATION INSTRUCTIONS for NEIGHBORS NOTIFICATION: MUST be submitted with Application:**
  - a. **CALL ZBA STAFF:** 203-341-1030 to request: NEIGHBOR LIST, MAP & ASSESSOR'S FIELD CARD there is a **\$25.00 FEE**, to prepare payable upon pickup. *Cash or Check ONLY (Payable to Town of Westport)*  
Map will show perimeter circle of 250' or 500' and show adjacent lots within circle, as per Zones:  
**Zone: AA and AAA zones = use a 500' perimeter circle for Abutting neighbors.**  
**Zone: A and all remaining Zones = use a 250' perimeter circle.**  
**STAFF will CALL** you when they are ready for pick up & will review process. *(Bring Cash or Check ONLY)*
  
  - b. Fill in the blanks on the attached NOTIFICATION LETTER (Use date of Material Drop Off) Copy Project Description same as #7. Photo COPY it as per quantity on list #114a. PREPARE an ENVELOPE with your return address; add the mailing address from each neighbor on list. Then STUFF each envelope with Notice Letter but DO NOT MAIL submit all envelopes with application you will be told when to MAIL AFTER Staff reviews and accepts your fee application.  
**DO NOT MAIL PREPARE ONLY: PREMATURE MAILINGS may require that you REPEAT mailing process.**
  
  - c. *Staff will give you Post Office Form #3877 - Prepare CERTIFICATE OF MAILING FORMS – Staff will review process.*  
**AFTER your application reviewed & accepted** you will be advised to take to Post Office.
  
  - d. The Post Office will then STAMP your Certificate of Mailing Form.  
**URGENT: You MUST BRING that STAMPLED FORM & copy of LETTER back ZBA office ASAP or your Application can NOT be \*Legal Noticed, which will cause it to move to next hearing date.**
  
- 12. OWNERS WRITTEN AUTHORIZATION LETTER** is required if application is submitted by ANYONE OTHER THAN OWNER  
**If the owner listed on Assessor's Card (per item #14 above), differs from owner listed on ZBA Application you must bring PROOF of ownership.**
  
- 13. SITE VISITS:** Be advised; the ZBA members and/or staff may carry out informal site visits to the subject property. These visits may take place during the two-week period prior to your scheduled ZBA Hearing.

### ZBA OFFICE HOURS:

*For project QUESTIONS visit P&Z Dept. room 203: Mon - Fri: 9:00 to 11:30.*

*DROP OFF your COMPLETED Application WITH ALL COPIES: Mon - Fri: 8:30 to 3:00.*

# 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.”

Variations 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, Wed. & Fri = 8:30-3:00 & Tues. & Thurs =8:30-4:30*
3. On the evening of your hearing, please arrive at Town Hall promptly at 7:30.

### *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

Date \_\_\_\_\_

## ***To whom it may concern:***

Notice is hereby given that \_\_\_\_\_ has filed a \_\_\_\_\_  
( *Print Your Full Name* ) ( *List Type of Application* )

for \_\_\_\_\_  
( *Complete Description of Project* )

with the Town of Westport / Zoning Board of Appeals

for approval for \_\_\_\_\_  
( *Address of Property* )

The public hearing for this ZBA Application will be scheduled at the discretion of the ZBA Commission. A Legal Notice of the Public Hearing for this application will be published twice prior to the public hearing in a local newspaper.

If you wish to view the details concerning this ZBA Application visit the ZBA/ P&Z office in the Town Hall Room 203, 110 Myrtle Ave, Westport, CT 06880.

### OFFICE HOURS:

*Project Questions: Mon – Fri: 9:00 to 11:30*

*Review Files: Mon, Wed. & Fri = 8:30-3:00 & Tues. & Thurs: 8:30-4:30*

## **For Future Reference:**

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

1. Go to Town of Westport's Website at **www.westportct.gov**
2. *Click: "Sign up for e-Notification" (located in the left tool bar 1<sup>st</sup> item.)*
3. Enter your E-mail Address twice as requested.
4. Under "**Calendar**" place a check in front of each *Board/ Committee/ Category* you want to receive an E-mail Notification for.
5. Enter the security verification code, as requested.
6. *Click: Subscribe.*

Thank you,

\_\_\_\_\_  
(*Print Your Name*)

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## MEMORANDUM

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**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