

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'x36
- All plans and surveys must also be in PDF digital format signed and sealed.
- 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:** 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 above fee schedule above.
Note: *After-the-fact applications are subject to double the application fee.*
3. **Conservation Dept.** (203-341-1170) – **All projects** must obtain Conservation approval prior to applying for a variance.
4. **Coastal Area Management Application:** If in the CAM zone, submit a copy of the completed CAM application along with ZBA Submission.
5. **Existing Conditions Survey:** 8 copies, signed and sealed & to scale as required in accordance with §44-1 of Westport Zoning Regulations.
6. **Site Plan, Proposed Survey and/or Building Plans:** 8 copies, full size, detailed and to scale.
7. **Demolition Plan** (*if applicable*): 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.
8. **DEEP - OLISP** – Only needed if project is for Shoreline Flood & Erosion Control Structures, as per (CGS 22a-109).
9. **Architectural Review Board (ARB)**- Commercial projects may require an ARB review. Please call the Historic District Commission Office (203-341-1184) to obtain information and apply for a hearing.
You MUST submit an ARB Application BEFORE going to ZBA if:
 - Changing building façade or signage.
10. **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:** 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 and location.
11. **Neighbor Notification Process:** A week prior to submission email zba@westportct.gov to prepare mailing materials. Preparation Fee is \$25, you will receive 250’ neighbor list, assessor’s map, field card & labels for both envelopes & certificate of mailing form. Envelopes with pre-stamped return address and required red stamp are additional \$.10 each. The proof of mailing must be returned to the office up to 48 hours after submission.

Note: The neighbor notifications must be mailed the same day as you submit your application. Premature mailings may result in a supplemental mailing.

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.

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 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*)

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 - 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.

MEMORANDUM

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