

App. No. _____ Date _____ Hearing Date _____

TOWN OF GUILFORD, CONNECTICUT

Zoning Board of Appeals

(Form must be filled out completely, if not applicable so indicate by inserting N.A. in appropriate space.)

Submit Ten (8) copies of the Application and Maps & DIGITAL PDF

TO planning.zoning@ci.guilford.ct.us

PROPERTY LOCATION: _____

DATE PROPERTY ACQUIRED: _____

OWNER: _____

OWNER'S ADDRESS: _____

APPLICANT: _____

APPLICANT'S PHONE /EMAIL: _____

APPLICANT'S ADDRESS: _____

Zoning District: _____ Map _____ Lot _____

Has a previous Variance/Appeal been filed in connection with these premises { } Yes { } No
If yes, provide copies.

VARIANCE OR APPEAL REQUESTED (SPECIFY ZONING SECTION): _____

This Variance/Appeal relates to:

Zoning Requirements Proposed

Zoning Requirements Proposed

Lot Area		
Lot Width		
Lot Shape		
Setback from street		
Side Yard		
Rear Yard		

Building Height		
Parking		
Lot Coverage		
Floor Area		
Use		
Other		

Work constitutes a(n) alteration { }, conversion { }, or extension to an existing building { }, and/or non-conforming building { } or Use { } Other { }.

Describe: _____

State Hardship (For Variance) _____

Additional Information

Please answer the following additional questions:

- | | | |
|---|--|------------------|
| <input type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Residential Accessory Use | Garage |
| <input type="checkbox"/> Two Family Dwelling | <input type="checkbox"/> Farm Accessory Use | Gasoline Station |
| <input type="checkbox"/> Office in Dwelling | <input type="checkbox"/> Industrial | Other: _____ |
| <input type="checkbox"/> Homecraft Industry | <input type="checkbox"/> Commercial | |

Does this property contain inland wetlands or water course? {} Yes {} No

Is the property

- a. Located within 500 feet of an adjoining municipality? {} Yes {} No
- b. Located within a filed Watershed Boundary? {} Yes {} No
- c. Located in an Aquifer Protection Area? {} Yes {} No

Notification of Neighbors

The applicant shall notify by certified mail, **at least (10) days prior to the Public Hearing**, the owners of land which abut or are directly across the street from the subject parcel. See attached sample letter. **Evidence of certified mailings shall be submitted by the applicant at the Public Hearing.** A list of Abutters names and addresses will be provided to you.

Instruction and Procedures

- 1) Regular meetings of the Board are held on the fourth Wednesday of each month at 7:30p.m. in the Nathanael A. Greene Community Center, 32 Church Street, Guilford, unless otherwise stated in a legal notice published in a newspaper having a circulation in the Town of Guilford.
- 2) Ten (10) copies of the application and maps shall be submitted to: Clerk of the Zoning Board of Appeals, Town Hall South, 50 Boston Street, Guilford, Connecticut 06437, accompanied by a filing **FEE of \$210** for variance applications and **\$310** for appeal of Zoning Enforcement Officer decisions. Please make check payable to TREASURER, TOWN OF GUILFORD.
- 3) If requested by the Board or agent, applicant or his agent shall cooperate in all respects to allow Board members to visit the property, identifying markers to be placed by the applicant if property has no posted number.
- 4) Applicant/Appellant/or his agent must be present at the hearing.
- 5) Owner of property or his authorized agent must sign the application.
- 6) All applications shall include a property survey map which depicts all existing structures, and proposed additions to existing structures, or new structures, which are the subject of the variance application, prepared by, and signed and sealed by a Connecticut licensed land surveyor. Existing survey maps which were not specifically prepared for the purpose of the variance application, may be used only if it meets the standards herein below, and when accompanied by a statement from the signatory surveyor of the map, that the existing structure(s) still represent that current conditions, upon making a site inspection of the property.

All mapping and survey information submitted with an application to the commission, shall comply with the “Minimum Standards For Surveys And Maps In The State Of Connecticut”, as endorsed by the Connecticut Association of Land Surveyors, Inc.

Minimum Classes of Survey Accuracy: Horizontal Class A-2
Vertical Class T-2 or T-3

Map Scale: 1” = 40’, or as deemed appropriate by the surveyor to depict the property and area(s) of the variance request in legible detail.

Building setback lines and setback distances

Depict at appropriate locations, the distance between the property line and existing and proposed structures. Specifically, at those locations pertinent to the variance request.

Location and description of any prior variance relief granted, if recorded in the Guilford land records.

Zone boundaries upon, or within 50 feet of the property line

Depict the location and building setback dimensions for any structure on an adjoining property which is non-conforming with respect to the required minimum building setback distance, when said neighboring structure is in proximity to an applicant’s structure, for which a building setback variance is requested.

Incorporation of the portion of the Assessor’s map depicting the applicant’s property and adjoining properties as a map detail, at a legible scale. This may be substituted with a separate copy of the pertinent portion of the Assessor’s map.

Property Inspections by Commission Members

Prior to site inspection by the commission members, if the property survey map does not depict sufficient information in proximity to a requested structure variance for lay persons to reasonably determine the location of the property line, the property line shall be staked in this area(s).

Building Height Variance

Depict sufficient topography based upon a class T-2 field survey on all pertinent sides of the structure. Submit computational data for the determination of the average natural ground level. Identify the portion of the proposed structure exceeding the maximum building height, and the location and dimension of maximum building height.

Zoning Chart

All Area, location and bulk standard of Table 3 of the Guilford Zoning Regulations, items 1-12, shall be included, both on the map and on a separate letter size submittal. Items 1-12 shall specify: the required standard for the zone; existing compliance; and proposed compliance per the requested variance.

Physical features based hardship

If terrain or either inland or tidal wetlands are claimed as a hardship, mapping shall depict same. Terrain area(s) of concern shall be depicted by contours at a 2 foot interval, spot elevations may be incorporated, based upon either a class t02 field survey or class T-3 aerial mapping. The boundary of both inland and tidal wetlands shall be site specific. The former, as determined by a soil

scientist, either approved or pending approval by the Guilford Inland Wetlands Commission. The later, as determined by a biologist or other professional acceptable to the Connecticut Department of Energy and Environmental Protection. Either boundary shall have been located by a Class A-2 field survey.

Variance Requested because of a change in the zoning district of the property, or the initial adoption of the Guilford Zoning Regulations.

If the hardship claimed, and the variance requested is limited to the effect upon the property because of a change in the zoning district subsequent to the creation of the property, or the initial adoption of the zoning regulations, the applicant may submit a waiver request regarding the property survey amp requirement with the application.

Use variance

The applicant may consult with town staff as to whether a property survey map should be included in the application. It should be understood by the applicant that staff is offering only their best opinion; a waiver request must still be approved per the Waivers section herein.

Waivers

Waivers requests are limited to the above two paragraphs. The reason for the waiver request shall be submitted in writing with the application. Three affirmative votes shall be required to approve a waiver request. The denial of a waiver request shall table the application until a property survey map is submitted.

Exclusions

The following types of applications are excluded from complying with these requirements. Signage applications, and appeal of a cease and desist order of the zoning enforcement officer.

The Board in its discretion may dismiss an appeal (without prejudice) for failure to comply with any of the foregoing provisions.

I hereby certify that information submitted in this application is correct to the best of my knowledge and belief.

Owner

Appellant, Lessee, Agent

GUILFORD ZONING BOARD OF APPEALS
Memorandum

From: The Chairman
To: Applicant

To assist you in presenting your case before this board, the following excerpts from our guide book “Connecticut Zoning Board of Appeals” are noted, especially for those who are not represented by lawyers and feel the need for guidance.

Chapter 10 Variances

One of the primary functions of a zoning board of appeals is to hear and determine applications for variances to the regulations. The General Statutes have given boards of appeal the power to determine and vary the application of the zoning laws, 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 by-laws, 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 granting of a variance must be reserved to those situations involving exceptional or unusual circumstances. That it would be to the applicant’s financial advantage to secure the variance does not warrant a relaxations of the zoning regulations on the grounds of practical difficulty or unnecessary hardship.

The power to determine what are the needs of a town with reference to the use of real property located in it and to legislate in such manner that those needs will be satisfied is, by statute, vested exclusively in the zoning commission (in Guilford, the Planning and Zoning Commission).

It is not usually enough that the owner can obtain a better income from the property if the variance is granted. A hardship resulting from the peculiar topography or condition of the land, or a particular location which makes the property unsuitable for the use permitted in the zone in which it lies, may well be such a hardship as in contemplated by the ordinance.

SELF INFLICTED HARDSHIP

A zoning board of appeals cannot reasonable find that practical difficulty or unnecessary hardship exists, or the application of an ordinance is arbitrary, where property is purchased with full knowledge that it is located in a zone wherein the use of the property for the purpose desired is not permitted. The difficulties and hardship to which the ordinance refers do not include those occasioned by the reckless conduct of those who seek the variation.

“When the claimed hardship arises because of the actions of the applicant, the board is without power to grant a variance.”

FINANCIAL HARDSHIP

An applicant’s financial hardship, of itself, is not sufficient to warrant the granting of a variance. Financial considerations are relevant only in those exceptional situations where a board could reasonably find that the

application of the regulations to the property greatly decreases or practically destroys its value for any of the uses to which it could reasonably be put and where the regulations, as applied, bear so little relationship to the purposes of zoning that, as to the particular premises, the regulations have a confiscatory or arbitrary effect. However, while financial loss in and of itself is not enough to justify the granting of a variance, it may be one of the factors properly to be considered by the board in determining whether or not a variance should be granted.

VARIANCE TO PERMIT EXTENSION OF NON-CONFORMING USE

It is a general principle in zoning that non-conforming uses should be abolished or reduced to conformity as quickly as the fair interest of the parties will permit. In no case should they be allowed to increase. The accepted policy of zoning is to present the extension of non-conforming uses. The alterations or substantial remodeling of a building existing as a non-conforming use is logically inconsistent with the principle that “an essential purpose of zoning regulations is the stabilization of property uses.” Fundamental structural improvements will serve only to perpetuate the non-conforming use.

ZONING BOARD OF APPEALS MAP CHECK LIST

PREPARER	ITEM	ZEO REVIEW	
		YES	NO
	Property Survey Map (depict all structures)		
	Map Accuracy Horizontal- Class A-2		
	Map Scale Identify		
	Building Setback Lines & Setback Distances		
	Setback Distances to structure(s): Existing		
	Proposed		
	Depict Prior Approved Variance Location(s)		
	Zoning District Boundaries (within 50' of property line)		
	Adjoining Property Non-conforming Building(s), Setback(s) if proximate to variance area		
	Assessors Map Subject and Adjoining Properties		
	Zoning Standards chart of Table 3 for Zone(s): Required		
	Existing		
	Proposed		
	Physical features Claimed Hardship(s): Inland Wetlands		
	Tidal Wetlands		
	Terrain		
	Other		
	Sanitary System (as built location)		
	Well (if not public supply)		
	North Arrow & Reference (magnetic, C.G.S., Other)		
	Adjoining Property Owners (Current Per Assessor)		
	Adjoining Lot Numbers (if subdivision)		
	Major Trees (if claimed as hardship)		
	Driveway (if location claimed as hardship)		
	Underground Utilities (if claimed as hardship)		
	Frontage Properties- closest edge of road pavement		
Building Height Variance			
	Permitted building height for zone		
	Variance requested		
	Existing ground elevations and contours		
	Computations used to determine average natural ground elevations (A.N.G.E.)		
	Proposed building elevations above A.N.G.E		
	If proposed Building partially exceeding permitted height, depict area variance		
	Proposed building section(s) with A.N.G.E. & permitted and proposed elevations		

SAMPLE
ZBA NOTIFICATION LETTER

Date _____

Dear _____,

Be advised that an application has been submitted for the property at _____ (address; MAP/LOT) _____ to the Zoning Board of Appeals seeking a variance of Section _____ of the Zoning Code of the Town of Guilford, CT, specifically,

_____.

The Guilford Zoning Board of Appeals will conduct a Public Hearing on this proposal on Wednesday, _____ at 7:30 PM in the Nathaniel B. Greene Community Center, 32 Church Street, Guilford, CT.

You are being notified because your property abuts or is located directly across the street from the subject parcel. Copies of this application and plans are on file and may be reviewed at the Planning & Zoning Office, 50 Boston Street, Guilford, CT. Questions can be directed to the Planning & Zoning Office at (203) 453-8039.

Property Owner Name(s)

Applicant's Name