

ZONING VARIANCE APPLICATION



TOWN OF MONROE
ZONING BOARD OF APPEALS
7 Fan Hill Road, Monroe, CT 06468
Tel. (203) 452-2812

FOR OFFICE USE:

ZBA – _____

File Number – _____

Project Name: _____

Street Address: _____

Zoning District: _____ Lot Acreage: _____

Assessor Map Number: _____ Lot Number: _____

Variance Request Description – **Cite specific Zoning section number and substance of variance; for example:**

Example: Variance of §3.1.6(A) to permit an 18.6 foot side yard setback in lieu of the required minimum of 25 feet.

Also attached separate narrative with details.

■ **Variance of §** _____

■ **Variance of §** _____

❖ **TAKE NOTE:** *It is the applicant's responsibility to provide all the information the Zoning Board of Appeals will need in order to process the application and make a fair determination of the issues. Failure to supply timely or sufficient information may result in delay, denial of the application, or both. Applicants are highly recommended to be represented by qualified professionals and to consult the Town of Monroe Plan of Conservation and Development, as well as the detailed application requirements and standards set forth in the Town of Monroe Zoning Regulations and applicable General Statutes of the State of Connecticut.*

- **Pre-Submission Conference** – Contact the Planning and Zoning Department (203-452-2812) for a preliminary pre-submission meeting with Staff (**this is highly recommended if not essential**).
- **Initial Formal Application Submission** – Provide **Seven (7) paper application sets (plans folded and materials collated into individual sets)** and **one (1) pdf CD** including the following: (a) signed application form; (b) fee payment; (c) list of adjacent property owners within 100 feet of the subject lot perimeter; (d) current A-2 certified survey; (e) project development plans, elevations and other supporting graphic materials; and (f) supporting application narrative.
- **Sealed and Certified Plans** – All plans and reports as prepared by engineers, surveyors, landscape architects and architects must include an original seal and live signature certification.

Application No. _____ File No. _____

APPLICATION FEE

Variance Application Fee:..... \$ 675.00
Connecticut State Surcharge..... \$ 60.00
Payable to the Town of Monroe* TOTAL NOREFUNDABLE APPLICATION FEE: \$ 735.00

**Include driver's license number and telephone number on fees paid with a personal check.*

APPLICATION INFORMATION

1. Where is the most current property deed found in the Monroe Land Records?

a) Date: _____ Volume: _____ Page: _____

b) Date property acquired by present owner: _____

2. What is the origin of the application property (i.e., when and how was the current property created?)

List recorded maps of previous subdivision, resubdivision and lot line adjustments involving the property:

3. Supporting Maps and Project Narrative:

Refer to Zoning Regulations §9.5.4

- **Attach all required Maps, Reports and Project Narratives as required by the Zoning Regulations.**

PRIMARY PROJECT CONTACT

4. Primary Contact Name: _____

Business Address: _____

Ph/Cell: _____ Email: _____

The Primary Project Contact will be sent all correspondence (primarily via email) during the course of the project review and is responsible for distributing to the other project representatives.

PROJECT TEAM INFORMATION

5. Owner's Name: _____

Address: _____

Ph/Cell: _____ Email: _____

6. Applicant's name: _____

Address: _____

Ph/Cell: _____ Email: _____

Interest in property: ☐ Owner ☐ Contract Vendee ☐ Tenant ☐ Other _____

7. Application Professionals

Name

Phone/Cell

Email

Surveyor: _____

Engineer: _____

Landscape Architect: _____

Architect: _____

Other: _____

Application No. _____ File No. _____

8. Is the property located within a floodplain?

☐ No ☐ Yes If "yes" ☐ 100-year ☐ 500-Year **Contact Flood Plain Administrator at 203-452-2812.**

9. Is the property located within 500 feet of a town boundary?

☐ No ☐ Yes **Abutting town(s):** _____

10. Is the property subject to an existing conservation or preservation restriction (i.e., Conservation Easement)?

☐ No

☐ Yes

Provide a notarized statement pursuant to CT Public Act 05-124 indicating:

- **The proposed application involves only interior building alterations; OR**
- **Written notice of such application has been sent by certified mail, return receipt requested, not later than sixty (60) days prior to the filing of the application to the party holding the conservation or preservation Restriction; OR**
- **In lieu of notice, provide a letter from the holder or holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.**

11. Is the property located within a public water supply watershed?

☐ No

☐ Yes

Name of Watershed: _____

NOTE: **Within seven (7) days of application submission, the applicant is required to also send a copy of the application to the Aquarion Water Company of Connecticut, 714 Black Rock Road, Easton, CT 06612, and to the Connecticut Commissioner of Public Health, 410 Capitol Avenue, Hartford, CT 06106; and provide evidence documenting same to the Planning and Zoning Department.**

12. Are there inland wetlands, watercourses, lakes or ponds or other water related resources on or within 100 feet of the property; and/or is there a named watercourse on or within 150 feet of the property?

Attach Soil Scientist inspection report/verification and delineation report and survey map.

☐ No ☐ Yes Area of property regulated _____(ac) _____ (%) of property)

Contact the Inland Wetlands Department 203-452-2809 prior to proceeding with this application.

13. Previous or Current Wetland Permits or Violations for Property (list Wetland File #s and dates):

14. What is the current status of the property?

☐ Undeveloped ☐ Developed

Attach a separate narrative describing existing site conditions (vegetation cover, development, etc.)

15. Describe proposed project. (Also attach separate narrative with details)

Application No. _____ File No. _____

16. Water and Septic Services.

- ☐ Private water supply well ☐ Public water supply service ☐ New or expanded water service proposed
- ☐ Existing septic system to remain unaltered ☐ New or expanded septic system proposed

17. Have any PRIOR Zoning Board of Appeals variances been granted related to the property?

- ☐ No ☐ Yes

List variances obtained with respective ZBA File # and date of approval:

DESCRIPTION AND DETAILS OF ALLEGED LEGAL HARDSHIP

Answer the following questions with specific details of the circumstances of the project and subject property:

(1) What is the alleged legal zoning hardship specific to the application and subject Lot?

(2) Is the requested variance a result of the preference or personal needs of the applicant?

(3) Is the subject Lot unusable or unbuildable without a variance?

(4) How are the conditions unique to the Lot and not the Zoning District or surrounding neighborhood?

(5) Will the granting of the requested variance alter the essential character of the locality?

(6) Is the hardship the result of or caused by action taken by the owner (present or past)?

(7) Is the hardship self created?

(8) How is the variance request the minimum necessary?

ZONING VARIANCE HARDSHIP CRITERIA

A variance requires an applicant to show a legal hardship. Hardship is generally defined as a peculiar or unique condition of the subject property that is not generally found on other lots in the same Zoning District or the surrounding neighborhood, and which would make development in accord with the Zoning Regulations extremely and unusually difficult or prevents a landowner from making a reasonable use of their property in conformance with the Zoning Regulations as written.

What does NOT meet the legal test for HARDSHIP:

- Personal preferences, emotions or health conditions related to circumstances of the applicant and their family.
- A condition that is self created or is a result of an action taken by a present or past owner.
- Financial consideration or due to economic benefit or loss to the property owner. Absent a situation amounting to confiscation, financial loss or the potential for financial advantage is not the proper basis for a variance, nor is the loss of competitive advantage. For instance, the fact that an owner might be able to make more profitable use of the land, if it were not for the Zoning Regulations does not equate to hardship; nor does a claim of increased tax revenues for the Town.

The following questions are applicable to a request for an Area Variance:

- How is the hardship based on the specific conditions and characteristics of the Lot and parcel lands?
- How is the hardship unique and different in kind from those affecting properties in the same Zoning District and surrounding neighborhood? For example, steep topography and other natural resources like wetlands on a property may be a basis for granting a variance, as long as other properties in the area do not have the same site limitations.
- How would strict application of the applicable Zoning Regulations result in greatly decreasing or practically destroying the property value of the subject property?
- How would the general purposes of the Zoning Regulations (and the specific standards proposed to be varied) still be upheld (if not, no variance would be appropriate)?

❖ **TAKE NOTE:**

- A completed **Application Form** must be in ink or typed, and filed with the ZBA Clerk by the posted monthly **deadline** date in order to qualify for the next available scheduled public hearing date. **Fees** as required are nonrefundable and must accompany an application or it will not be processed.
- **Plans** using hand drawn material, not to scale or based on information not certified by a qualified professional licensed in the State of Connecticut will not generally be deemed acceptable or accurate.
- A scaled **Interior Floor Plan** is required where the alleged hardship relates to the location of a building.
- The applicant shall provide Notice (**a copy of the official legal notice of public hearing will be provided by the ZBA Clerk**) to all property owners within one hundred (100) feet of the subject Lot perimeter by "Certified Mail, Return Receipt" at least seven (7) days prior to the scheduled public hearing. Original postmarked certified mail receipts must be presented to the ZBA Clerk no less than five (5) business days before the public hearing.
- **Request for Postponement** shall be in writing stating the reasons for the request. Unless written notification is received from the ZBA that the postponement has been granted, the applicant/owner shall consider that no postponement is granted and the application will be heard as scheduled. The applicant/owner shall be responsible for the cost and payment of any needed **Re-Noticing**.
- Should an applicant or representative, **fail to appear** at a hearing and no postponement has been granted, the ZBA at its option may proceed with the hearing in the usual manner and consider the application on its merits as submitted.
- A **Granted Variance** is and shall be effective to the specific content, use, plans and extent proposed at the time of application. Any deviation, change or additive condition shall require a new and separate application.

Application No. _____ File No. _____

I(we) hereby certify that I(we) am making this application as or on behalf of and with the full authority of the owner(s) of the property or premises and am aware of and understand the Zoning, Subdivision and Inland Wetlands Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, all the undersigned hereby authorizes the Town of Monroe and its agents, to access the premises for the purpose of application investigation, site review, inspection of improvements or construction, and enforcement of the Town's Regulations and Ordinances, and the General Statutes of the State of Connecticut, as may be applicable.

All the undersigned warrant the truth of all statements contained herein and in all supporting documents according to the best of their knowledge and belief. Further, all the undersigned understand and agree that the Zoning Board of Appeals (ZBA) and/or its Staff/Consultants may request additional information and it is the applicant's/owner's responsibility to provide this information in a timely fashion and to the satisfaction of the ZBA. If the information provided is incomplete or inaccurate, the ZBA may deny the application or request an extension to be granted by the applicant/owner in order to act within applicable legal time limits.

This agreement shall be binding on all heirs, executors, administrators, successors and assigns of all undersigned.

APPLICANT(S) – (Both Applicant and Owner Notarized Signatures are required)

Name Printed

Signature

Date

Name Printed

Signature

Date

Subscribed and sworn to by _____ on this day of _____, 20____, before me:

Notary Public, Justice of the Peace, Commissioner of the Superior Court

Please note the following: **This application must include the owner's signature and notarization or a written, notarized consent to submit this application, signed and dated by the owner.**

OWNER(S) – (Both Applicant and Owner Notarized Signatures are required)

Name Printed

Signature

Date

Name Printed

Signature

Date

Subscribed and sworn to by _____ on this day of _____, 20____, before me:

Notary Public, Justice of the Peace, Commissioner of the Superior Court