

ZBA

APPLICATION

**TOWN OF BROOKFIELD
ZONING BOARD OF APPEALS
INSTRUCTIONS FOR APPLICATION**

All applicable questions must be answered and applications must be accompanied by the required supporting documents. The Zoning Board of Appeals may refuse to accept an application if the requested information is not provided or if the application is incomplete. The applicant or a representative must appear at the public hearing.

There are three types of appeals:

1. Application for Variance or Special Exception
 2. Application for Alteration or Addition to an Existing Building
 3. Appeal from the Zoning Commission or Zoning Enforcement Officer
(Application must be received by the Zoning Board of Appeals no later than 30 days from the date of written decision or order of Zoning Commission or Enforcement Officer).
1. The Zoning Board of Appeals meets once per month. Your application will be placed on the next ZBA agenda for a Public Hearing provided the application and supporting documents are received before the submission deadline and the application fee has been paid.
 2. Please refer to the Town of Brookfield Zoning Regulations to document the EXACT REGULATION(s) from which you are requesting a variance. Be prepared to state your reason for the request. (Please refer to the attached CT. General Statutes §8-6).
 3. The Land Use Office will mail notification to adjacent and abutting property owners affected by **this application**. The property owner's notification will include the time, date and place of the hearing and the reason for your application. (A sample letter is attached). The ZBA application requires the applicant to provide the names and addresses of these property owners. The list of property owners may be obtained in the office of the Assessor.

REQUIRED DOCUMENTS CHECKLIST:

- Original and 8 copies of your completed and signed application.
- 9 copies of Plot Plan showing location of all existing and proposed buildings with sizes drawn to scale. If setbacks are involved, an A-2 survey showing exact setback distances from the property lines to the nearest point of any proposed construction is required.
- 9 copies of Legal Land Description (found in the Deed).
- 9 copies of any previous variance(s) granted.
- 9 copies of Zoning Commission Denial or Order (if applicable).
- Check made payable to : Town of Brookfield Zoning Board of Appeals (see fee schedule).

**TOWN OF BROOKFIELD
APPLICATION – ZONING BOARD OF APPEALS**

APPLICATION #: _____

PROPERTY ID#: _____

APPLICANT/AGENT :

LAND OWNER OF RECORD:

Name: _____

Name: _____

Address: _____

Address: _____

Contact: _____ Phone #: _____

Contact: _____ Phone #: _____

SITE DATA:

Street Address: _____ Acreage: _____ Lot Size (sq.ft.) _____

Zoning District: _____ Use (circle one): Residential Commercial Industrial

Proposed Activity: _____

Is property located within 500 feet of another municipality? Yes: _____ No: _____

Has a previous appeal been filed in connection with this property? No: _____ Yes: _____ List appeal #'s and dates: _____

Is this an appeal from the Zoning Commission or Zoning Officer? No: _____ Yes: _____ If Yes, provide a copy of the Denial or Order. Date of Denial or Order: _____

SITE INFORMATION FOR VARIANCE REQUEST:

***The variance requested is the difference between the Required Dimension and the Proposed Dimension.*

Example: Required setback 50', proposed structure to be 32' from property line. Variance = 18'.

Present Dimension		Required Dimension	Proposed Dimension	Variance Requested	Zoning Regulation #
	Structure to Center of Road (residential only)				
	Structure to Front Lot Line (commercial only)				
	Structure to Rear Lot Line				
	Structure to Left Side Line				
	Structure to Right Side Line				
	Lot Area*				
	% of Lot Coverage				
	Lot Width				
	Building Height				
	Other				

*The area to be used in the calculation of minimum lot area is exclusive of wetlands, watercourses, slopes in excess of 25°, portions of the lot less than 50' wide or the private right of way leading to interior lots.

State the nature of the variance requested and the hardship claimed as a reason for the request. *Bear in mind that financial hardship alone will not warrant a variance.*

List Names & Addresses of ALL Abutting and Facing Property Owners As Recorded In The Office Of The Brookfield Assessor:

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Name: _____
Property Address: _____
Mailing Address: _____

Phone # : _____

Declaration (to be signed by all applicants):
I (We) hereby declare that all information in this application and in the attachments submitted, is accurate and complete to the best of my (our) knowledge and belief. I (We) understand that obtaining a variance does not waive the requirements for other permits. If a variance is granted I (We) will comply with the permit requirements of the Town of Brookfield Land Use Departments. If a variance is granted I (We) will file the approval letter with the Town Clerk within thirty (30) days of publication of the decision.

Date: _____ Signature: _____

Date: _____ Signature: _____

Designation of Agent or Attorney:

It is not necessary for an applicant to be represented by either an agent or attorney. If an agent or attorney is retained please indicate below:

I (we) designate the following individual(s) to act for me (us) at any hearing held in response to this application:

Agent () Attorney () Name: _____
Address: _____

Date: _____ Signature: _____

Date: _____ Signature: _____

ZONING & WETLANDS APPROVAL CALCULATION WORKSHEET

Step 1: Calculate the lot size in square feet.

Acreage of property x 43560sq./l/acre = ***enter this number in BOX A below
 (Example: .75 acres x 43560sq./l/acre = 32670 sq./l.)

Step 2: Calculate the ground coverage (in square feet) of structures on lot:

	Length in feet	x	Width in Feet		=	Square feet
House	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Deck	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Porch	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Garage	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Shed	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Pool	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Other	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
Proposed Structure	<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>

Total Ground Coverage in square feet of Structures = ***enter this number in BOX B below

Step 3: Calculate Total Lot Coverage:

Divide Total Ground Coverage of Structures (sq.ft) BOX B
 By divided by = ***enter this number
 Lot Size In Square Feet BOX A in BOX C

Step 4: Multiply by 100:

BOX C x 100 = %
 THIS IS YOUR % OF TOTAL LOT COVERAGE

SAMPLE NOTIFICATION LETTER

Date

To:

Name

Street Address

City, State, Zip

This is to notify you that an application for a variance has been filed by _____ for
property located at _____, Brookfield, CT. The variance is requested for
(applicant name)
(property address)

(regulation # and purpose)

This application is on file in the Town of Brookfield Land Use Office for review.

The Brookfield Zoning Board of Appeals will hold a Public Hearing to consider this application on
_____, at the Brookfield Town Hall, 100 Pocono Road, Brookfield, Ct.,
(day and date, month, year)

beginning at 7:00 p.m. The Public Hearing will be open to the public and you are hereby advised that
opportunity to speak in favor or opposition to this variance will be granted at said Public Hearing. Your
appearance is not mandatory, but the ZBA would appreciate your comments by mail if you cannot attend the

meeting. Responses may be mailed to :

Zoning Board of Appeals
Town of Brookfield
100 Pocono Rd.
Brookfield, Ct. 06804

If you have any questions regarding this application, please call the Town of Brookfield Land Use Office at
203-775-7316.

Applicant Signature

Applicant Signature

Effective 3/15/06

§242-301C

Add as follows:

Digital Map Submission

Prior to issuance of a final Certificate of Zoning Compliance, any "as-built" survey must be submitted in both paper & electronic format for all buildings constructed pursuant to a Design Review, Design Review Approval Modification involving building footprint changes, lot line changes, residential new construction or alterations with footprint changes within 10% of the minimum setbacks, and any activity permitted as a result of a variance granted by the Zoning Board of Appeals. The electronic format shall be for purposes of updating the Town's Geographic Information System (GIS) and shall meet the following criteria:

1. Drawings shall be on a compact disk (CD).
2. Electronics shall be in a format as prescribed by Town's GIS coordinator.

A certification letter stating that the electronic drawing is a copy of the survey map that was presented to the Zoning Enforcement Officer shall accompany electronic drawings. A land surveyor licensed by the State of Connecticut shall certify the letter.

**TOWN OF BROOKFIELD
ZONING BOARD OF APPEALS**

FEE SCHEDULE – EFFECTIVE 10/1/09

Type of Application	Fee	State of Connecticut	Total
Alterations or additions to an existing structure or construction of an outbuilding or swimming pool on a lot which contains an existing house	\$150.00	\$60.00	\$210.00
Construction of a house or other structure on vacant land in a residential zone	\$200.00	\$60.00	\$260.00
Application for variances for property located in a commercial or industrial zone	\$300.00	\$60.00	\$360.00
Application for approval of the location of a business for sale of gasoline or sale or repair of motor vehicles	\$300.00	\$60.00	\$360.00
Application for an appeal from an Order or Decision of the Zoning Commission or Enforcement Officer	\$300.00	\$60.00	\$360.00

VARIANCES

You would like to build an addition to your house. You go to the Town Hall to get the necessary permits and the Zoning Enforcement Officer tell you your addition would be too close to your property line. Before you can get a permit, you will need a variance from the ZBA.

Ok – so what's a variance? And, what's a ZBA?

A variance is a request to vary the Zoning Regulations. In other words, a variance lets you do something with your property that the Zoning Regulations do not allow. Variances are granted on the basis of "exceptional difficulty or unusual hardship".

A "ZBA" is the Zoning Board of Appeals. It has five regular members and three alternate members. ZBA members are unpaid volunteers who are either elected or appointed depending on your town ordinance.

Exceptional Difficulty? Unusual Hardship? - What's that mean?

Exceptional difficulty or unusual hardship are terms used in the Connecticut General Statutes to describe the conditions that must be met before the ZBA can grant a variance. You must convince the ZBA that there are special conditions or circumstances affecting your lot but not affecting the rest of the lots in the zoning district. These conditions or circumstances must be related solely either to the property's unusual shape or topography or to the condition or location of existing structures.

The exceptional difficulty or unusual hardship cannot be because of something you did – e.g. putting up a building without a permit.

You must convince the ZBA that without the variance you would have no "reasonable" use for the property. Remember "reasonable use" is not simply the use that would bring you greatest financial returns. It is also not simply the alternative is the cheapest, most convenient or most desirable for you to take.

You must also convince the ZBA that what you want to do will not hurt the surrounding properties. As a condition of granting a variance, the ZBA can require you to modify your plans so that your neighbors will not be affected.

This sounds tough. How about an example.

Suppose you own a piece of property that was subdivided prior to zoning. The property is wide but not very deep. To meet the front yard setback and the rear yard setback requirements, you would have to build a single family house that was only 6 feet wide. The hardship – your inability to build even a single family house – would be due to the lot's unusual shape.

VARIANCE PROCEDURES

1. All variances require a public hearing.

2. The ZBA must publish two legal ads announcing the public hearing. The first ad must be published between ten and fifteen days before the hearing. The second ad must be published between ten and two days before the hearing. In addition, the ads must be published at least two days apart.

3. The State Statutes (Section 8-7e) require that the ZBA notify the town clerk of an adjoining municipality of the application if:

“(1) any portion of the property affected by a decision of such zoning board of appeals is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.”

The notification must be sent by certified mail, return receipt requested. It must be mailed within seven days of the date of receipt of the application. It must be sent to the Town Clerk - not the planning and zoning commission or mayor or zoning enforcement officer.

4. The ZBA must hold the public hearing within sixty five days of the day of receipt of the application. The day of receipt is the day of the next regularly scheduled meeting of the ZBA or thirty five days after the application is submitted – whichever is sooner. The public hearing must be completed within thirty days after the hearing starts. The ZBA must make a decision on the application within sixty five days of the close of the public hearing. The applicant can grant the ZBA one or more extensions of these time limits but the total extension cannot be longer than the original time period. For example, the applicant can grant up to a sixty five day extension of the time in which to open the public hearing. The total time, therefore, can be a maximum of 130 days from the day of receipt to the opening of the public hearing.

5. To grant a variance requires four affirmative votes.

6. Notice of the ZBA's decision must be published as a legal ad within fifteen days of the date of decision.

7. The applicant must be notified by certified mail of the ZBA's decision within 15 days of the decision.
8. If the variance is granted, it does not become effective until a copy of the variance is filed in the Town Clerk's Office and on the Town Land Records.

PREPARED BY THE LAND USE EDUCATION PARTNERSHIP
FEBRUARY 1999