

ZONING BOARD OF APPEALS TOWN OF BRANFORD

Rules for Filing Applications for Variances and Appeals

1. Notice to Applicants: Read carefully and follow these directions when filling out the attached application or taking an appeal. Any information not properly provided could result in denial of your application without reimbursement of the fee. It is the responsibility of the applicant to ensure proper filing of the application. Type or print all information clearly. Regular meetings of the Board are generally held on the Third Tuesday of each month at the Canoe Brook Senior Center, 11 Cherry Hill Road beginning at 7:00 pm unless otherwise stated in a legal notice.

2. Form: Applications for variances shall be on the form attached hereto. Appeals for decisions of the Zoning Enforcement Officer shall be made by the filing of a notice of appeal addressed to the Chairman and in conformance with these rules. DMV location approval requests must be submitted on the DMV K-7 form.

3. Form Execution: If the applicant is not the owner, the owner must also sign the application or an authorization letter must be submitted with an original signature of the owner.

4. Number of Copies: Applicant shall submit one original application and all required documents plus four copies of the application and the documents listed in items 7g to 7j or 8 below as applicable.

5. Time Requirements for filing:

- a) Applications for variances must be filed at least four weeks prior to next regularly scheduled meeting of the Board. Applications will be scheduled on a first filed basis. The Board shall only calendar and hear six (6) applications per month, unless otherwise determined by the chairman.
- b) Appeals shall be filed within the time required for filing of appeals as required by Connecticut General Statutes Section 8-7 or otherwise required by law.
- c) DMV location approvals may be submitted by the Friday before any regularly scheduled meeting.

6. Notice Requirements:

- a) Parties to be notified: For all variance applications and appeals from a decision of the Zoning Enforcement Officer, the applicant shall mail written notice to each person owning property, any portion of which is within 100 feet of the land that is the subject of the application and in the case of an appeal brought by a party other than the property owner of the subject property, the property owner of the subject property.
- b) Property Owners: For the purpose of this Section, Property owners shall be as they appear on the property street cards in the Town Assessor's office on the date of application, and distances shall be determined from the Assessor's tax maps on the date of said application. Notice shall be mailed to the address of the Property Owner on file with the Assessor's Office.
- c) Special Notification requirements. The applicant shall provide proof of mailing in accordance with the provisions of CGS Sec. 8-3i when the property is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company.
- d) Timing of Notice: The notice shall be sent by mail, at least fourteen (14) days prior to the date of the public hearing.
- e) Contents of Notice: Said notice shall include, at a minimum:
 - 1) The date, time and location (street address) of the public hearing;
 - 2) The street address of all parcels that are the subject of the application or, if such parcels do not have a street address, adequate geographical

**ZONING BOARD OF APPEALS
TOWN OF BRANFORD**

information to allow the recipient of the notice to determine the location of the parcels with respect to the nearest street intersection; and

- 3) The nature of the application (e.g., proposed activities) or a copy of the appeal letter.
- f) Proof of Notice. A Certificate of Mailing from the US Post Office of said written notice shall be conclusive evidence of compliance with the provisions of the Section. Certificates of Mailing shall be submitted to the Zoning Enforcement Officer at least seven (7) days prior to the date of the public hearing.
- g) Re-notice Fee: Applications that have not complied with these requirements will be continued to the following month's meeting and a \$50.00 advertising fee will be charged.
- h) Waiver Of Notice. Any Property Owner may waive the provision of notice in writing signed by them which acknowledges their right to notice of the hearing and waiving the same.

7. Application for Variance requirements. The application for a variance shall include the following documents meeting the requirements set forth below:

- a) Application form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent.
- b) Application Fee, checks payable to the Town of Branford, as follows:
 - 1) For 1 or 2 Family, Accessory Structures.....\$135.00
 - 2) For 3 or more Family Dwellings.....\$185.00
 - 3) Automotive/Commercial/Industrial.....\$210.00
(See Planning and Zoning Office regarding CAM applications, if applicable)
- c) Completed copy of application checklist.
- d) Copy of the Assessor's field card for the subject property.
- e) Copy of the Assessor's map or GIS map depicting all properties within 100' of the subject property.
- f) A list of the Owner's names, property addresses, and mailing addresses for all properties within 100' of the subject property.
- g) Completed zoning table.
- h) A-2 boundary survey dated 8/13/96 or later meeting the requirements of conform to Sec. 20-300B of the Regulations of Connecticut State Agencies showing the following:
 - 1) All existing and proposed buildings and structures (Proposed structures shall be clearly labeled in color or hatched.);
 - 2) Distances at appropriate locations between the property line and existing and proposed structures;
 - 3) A key map showing the location of the property in relation to surrounding areas.
 - 4) The location of the lot in relation to public and/or private streets and access ways;
 - 5) The location of all off-street parking and loading spaces, curbcuts, driveways, easements and rights-of-way;
 - 6) The zoning district in which the plot is located;
 - 7) All applicable setback lines;
 - 8) Names of all abutting property owners;
 - 9) The location of septic system(s) and well(s) if the location of such is claimed as a hardship;
 - 10) Existing and proposed ground elevations with contours at two-foot intervals if flood zone or topography is claimed as a hardship or if a variance for height is requested;
 - 11) The location of any wetlands and/or watercourses or areas of flood zone if such are claimed as a hardship;

ZONING BOARD OF APPEALS TOWN OF BRANFORD

- 12) The location of any physical feature on the lot claimed as a hardship;
- 13) Additional information needed to determine compliance with the Regulations.
- i) Architectural plans shall be submitted for any variance request involving new dwellings or new commercial buildings.
- j) Elevation views shall be submitted for any variance requested for height or for the vertical extension of a non-conformity.

Supplemental information and drawings may be provide, however the proposed improvements **must** be shown on the A-2 and all variance calculations (setback, coverage, height, etc.) must be provided on the A-2 by the surveyor of record. Hand drawn depictions and setback calculations of the proposed improvements on a survey will not be accepted.

A waiver of requirements 7h, 7i or 7j above may be requested in writing with the application. Four affirmative votes shall be required to approve the waiver upon a showing of good cause by the applicant; denial of the request will result in the application being tabled until the required information is submitted.

The Zoning Board of Appeals cannot waive requirement of any other agency or department. Additional information and/or mapping maybe required to be submitted prior to issuance of the Zoning and/or Building permit.

8. Requirements for Appeals of order, requirement or decision of the ZEO. In accordance with CGS Sec. 8-7 thru 8-7e, appeals shall be made by means of a letter addressed to the Board Chairman ("notice of appeal") and shall identify the subject property by its owner, address, and map/block/lot. The notice of appeal shall identify the order, requirement or decision of the Zoning Enforcement Officer from which the appellant appeals, the grounds for the appeal and the aggrievement of the person(s) taking the appeal. The notice of appeal shall include a copy of the written decision of the Zoning Enforcement Office if available. The notice of appeal shall be deemed filed and received when filed in the Planning and Zoning office of the Town of Branford. The notice of appeal shall bear the original signature(s) of the aggrieved person(s) or be accompanied by a letter of authorization from the aggrieved person(s) to a designated agent who sign the letter of appeal.

9. Requirements for DMV location approvals. In accordance with CGS Sec. 14-54, the Zoning Board of Appeals shall provide for certificates of approval of location for any person who desires to obtain a license for dealing in or repairing motor vehicles. Location approvals do not require public hearing and/or notification to surrounding property owners as indicated in number 6 above. The Department of Motor Vehicle's K-7 form shall be submitted as the application form along with a copy of a Site Plan (an Assessor's Map may be submitted if no Site Plan is available) and a copy of any approval already obtained from the Planning & Zoning Commission if applicable.

**ZONING BOARD OF APPEALS
TOWN OF BRANFORD**

Owner _____
Applicant _____
Property Location _____
Map _____ Block _____ Lot _____

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

- Application Form.
- Application Fee, checks payable to the Town of Branford.
 - For 1 or 2 Family, Accessory Structures.....\$135.00
 - For 3 or more Family Dwellings.....\$185.00
 - Automotive/Commercial/Industrial.....\$210.00(See Planning and Zoning Office regarding CAM applications, if applicable)
- Completed copy of this checklist;
- Copy of the Assessor's field card for the subject property.
- Copy of the Assessor's map or GIS map depicting all properties within 100' of the subject property.
- A list of the Owner's names, property addresses, and mailing addresses for all properties within 100' of the subject property.
- Completed zoning table.
- A-2 boundary survey
- Architectural plans
- Elevation Plans

**ZONING BOARD OF APPEALS
TOWN OF BRANFORD**

Variance Application Form

Appeal # _____
Meeting date _____
Approved _____ Denied _____
Date _____

Owner _____

Applicant _____

Property Location _____

Map _____ Block _____ Lot _____ Zone _____

Present Use of Property _____

1. Description of project and/or proposed improvements _____

2. Variance requested from: (attach additional pages if necessary)

Section _____ Requested _____

Section _____ Requested _____

Section _____ Requested _____

3. Strict application of the regulations would produce undue hardship because: _____

4. The hardship created is unique and not shared by all properties in the neighborhood because _____

5. The variance would not change the character of the neighborhood because _____

6. Dates of all previous appeals with respect to this property _____

7. Does the property lie within 500 feet of an adjoining municipality? Yes _____ No _____

8. Does the property lie within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company? Yes _____ No _____

ZONING BOARD OF APPEALS TOWN OF BRANFORD

ZONING TABLE

For Residential Zones complete information for Existing and Proposed
(For Commercial Zones please contact the Planning & Zoning Department for the appropriate chart.)

	ZONE						Existing	Proposed
	R-1	R-2	R-3	R-4	R-5	MF		
LOT AREA (square feet)	6,000	4,500	15,000	20,000	40,000	130,680		
LOT AREA PER UNIT (square feet)	4,000	4,000	15,000	20,000	40,000	7,260		
FRONTAGE (feet)	50	50	90	110	130	150		
SQUARE (feet)	50	50	100	125	150	250		
FRONT SETBACK (feet)	15	15	30	40	50	50		
SIDE SETBACK (feet)	10	10	15	20	25	50		
REAR SETBACKS (feet)	20	20	30	50	50	50		
HEIGHT (feet)	35	35	35	35	35	35		
FLOOR AREA	0.50	0.50	0.50	0.40	0.30	0.40		
LOT COVERAGE	0.25	0.25	0.25	0.25	0.15	0.20		
IMPERVIOUS SURFACE AREA RATIO	n/a	n/a	n/a	n/a	n/a	0.50		

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

Owner _____
Address _____

Applicant _____
Address _____

Phone _____

Phone _____

E-mail _____

E-mail _____

Signature _____

Signature _____

**ZONING BOARD OF APPEALS
TOWN OF BRANFORD**

Notice of application for variance to adjacent property owner

Date _____

Abutter Name: _____

Mailing Address: _____

Dear _____

The owner, _____, of the property known as _____ has submitted an application to the Zoning Board of Appeals for consideration of variances. It has been determined that you own property within 100 feet of the location for the following project:

The following variances are required:

The meeting will be held on _____ at 7:00 pm at the Branford Senior Center located at 11 Cherry Hill Road in Branford, CT. Plans are on file in the Planning and Zoning Department at Branford Town Hall, 1019 Main Street in Branford.

Abutter's property location _____

**ZONING BOARD OF APPEALS
TOWN OF BRANFORD**

RE: Owner _____ Applicant _____
 Property Location _____ Map _____ Block _____ Lot _____

Properties within 100' of Subject Property

#	Map/Block/Lot	Owner(s)	Address	Mailing Address	Certificate of Mailing Verified (Office Use Only)
1					
2					
3					
4					
5					
6					
7					