

ZONING BOARD OF APPEALS APPLICATION

Town of Westbrook

ZBA Appeal No.

Land Use Department ♦ Mulvey Municipal Center, 866 Boston Post Road, Connecticut 06498 ♦ (860)-399-0339 Fax (860)-399-2084

ZBA App. Fee \$ _____ / Ck. # _____ CAM App. Res \$ _____ / Com \$ _____ / Ck. # _____
DEEP Fee \$60.00 Ck. # _____

- 1) Agent/Contact Person _____
(The contact person is the representative of the application who will receive Agendas, Legal Notices and associated correspondence)
- 2) Mailing Address: _____
- 3) Cell: _____ Office/Home Phone: _____
Email: _____
- 4) Address of Subject Property _____
- 5) Map #'s _____ Parcel #'s _____ Parcel Area (acres) _____ Zone District(s) _____
- 6) Is this a legal non-conforming lot of record Yes No If yes, please attach copy of deed.
- 7) Property is served by: private well public water
- 8) Is the **project** within 50 ft. of Tidal Wetlands Yes No
- 9) Is the **property** within 100 ft. of Inland Wetlands Yes No
- 10) Is a Coastal Area Management (CAM) Application applicable Yes No Exempt _____
- 11) Is this property in the Aquifer Protection Area Yes No
- 12) Is this property in the Harbor Management Area Yes (If yes, copy submitted for HMC for review) No
- 13) Is the property within 500' of an adjoining municipality Yes No
- 14) If applicable, please indicate the Beach Association _____
- 15) Has any previous appeal been heard regarding the same parcel of land Yes No If yes, list and include copies of the variances:
Appeal No. _____ Date _____ Appeal No. _____ Date _____
- 16) Application for a public hearing is hereby submitted for:
 - £ **VARIANCE** – Request a variance from specific requirements of the zoning regulations. (skip to line #17)
 - £ **USE VARIANCE** – Request a variance from the uses permitted by the zoning regulations.
 - a) to permit what use or activity _____

 - b) please explain why the public interest would be best served by permitting this use at the proposed location _____

 - c) please explain why the public interest cannot be reasonably served by the current lawful use of lands within or outside the current zoning district _____

- £ **APPEAL OF ZEO DECISION** – Appeal an order, requirement or decision of the zoning enforcement official.
Was a Cease & Desist Order Issued Yes Date _____ No

£ LOCATION APPROVAL – Request a location approval for Motor Vehicle Dealer’s license for:
£ gasoline station £ repairer license £ new car dealer license £ limited repairer license
£ used car dealer

17) Under what section(s) of the Westbrook Zoning Regulations is this appeal based.

Section No. _____ Feet Required _____ Feet Requested _____
Section No. _____ Feet Required _____ Feet Requested _____
Section No. _____ Feet Required _____ Feet Requested _____
Section No. _____ Feet Required _____ Feet Requested _____
Section No. _____ Feet Required _____ Feet Requested _____
Other _____ Other _____

18) Describe exactly what is being appealed or requested: _____

19) In the case of a variance, what specific hardship is being claimed? _____

20) Applicant Name: _____ Phone: _____
Mailing Address: _____
Email: _____

21) Property Owner: (if not applicant) _____ Phone: _____
Owner Mailing Address: _____

22) Submittal Requirements – **Twelve** sets of complete application and all plans, large size. (see #9 on attached guidelines for additional details)

23) It is the applicant’s responsibility to notify the abutting landowners within 100 feet by a Certificate of Mailing. A copy of the Legal Notice will be provided for mailing. Legal notice to abutters must be sent via registered mail no more than 15 days or less than 10 days before the meeting date. (see #10 on attached Guidelines for additional requirements)

24) It is understood by the applicant that anyone permitted by state statute may appeal the decision of the Board within fifteen (15) days of the publication of the notice of said decision.
It is further understood that it is the applicant’s responsibility to obtain any and all other permit or approvals required under local, state or federal law prior to the start of any construction or use authorized by the decision of the Board.

25) I hereby certify that all of the above statements and additional documentation provided with the application are true and accurate to the best of my knowledge and belief.

Owner’s Signature (if not applicant) Date Agent/Applicant’s Signature Date

Has there been a preliminary review with the Sanitarian. No Yes

Reviewed by ZBA Staff Coordinator _____ Date _____

WESTBROOK ZONING BOARD OF APPEALS

APPLICATION GUIDELINES

- An application fee shall accompany each appeal and/or variance request. Such fee shall be paid by cash, check or money order, payable to the “Town of Westbrook” and shall be used to defray the costs of publication of the required legal notices. There is also a \$60 State DEEP fee. If a CAM application is required, there is an additional fee. All fees can be paid for on one check.
- A complete application must be submitted to the Land Use Office. Closing dates for submittal are available on-line or by calling the Land Use Office. The Zoning Board of Appeals meeting is held on the 4th Wednesday of the month except when changed for holidays.
- **It is the owner's, applicants, or agent's responsibility to research and provide the information requested on the application.**

1) Some of the information in the framed block (#1) may be obtained in the Assessor's Office (property card) and/or Town Clerk's Office (Deed of Title and recorded maps, if any). Additional wetland and coastal information may be available on the **Town Website Online Mapping System** or in the Land Use Department. Properties located within the Coastal Area Management boundary must be accompanied with a CAM Application as set forth in the Connecticut General Statutes 22a-105 through 22a-109. The coastal area boundary and **Flood Zones** are shown on the **Online Mapping System** or on **Maps** in the Land Use Office. For Inland, Tidal Wetlands and other coastal resources, the Land Use Office has maps that indicate approximate locations. You may be required to obtain a certification from a land use professional to determine exact flood zone elevations.

2) If you are seeking a variance, a hardship must be claimed for the application to be considered by the Zoning Board of Appeals. (See Section 12.22.01 of the Zoning Regulations). The Board must find:

- that there are special circumstances or conditions applying to the land and do not apply generally to land or structures in the neighborhood, or in the district at large, and have not resulted from any act subsequent to the adoption of the Regulations whether in violation of the provision hereof or not;
- that the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the Regulations would result in exceptional difficulty or unusual hardship;
- that the variance granted is the minimum variance that will alleviate the circumstances and conditions applying to the land or structure for which the variance is sought, and
- that the granting of the variance will be in harmony with the purpose and intent of the Zoning Regulations; will accomplish substantial justice; and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

LOCATION APPROVAL – If you are seeking approval of a site for a new or used car dealership, a site plan is required.

3) Determine the section(s) being appealed from the Westbrook Zoning Regulations. Copies are available in the Land Use

4) If the description of your proposed appeal is detailed, please attach a “Statement of Use”.

5) The hardship cannot be solely economic but must relate to specifics of the property. See notes under Number 2 above.

6) Please print name of applicant and contact information.

7) Please print name of owner (if not applicant) and contact information.

8) If there is an **agent**; i.e., attorney, engineer, contractor, representing the applicant, all contact information must be completed. **This representative will be the individual who is contacted for any additional information and receives all pertinent agendas and notices related to the application.**

9) All applications shall include the following requirements (Zoning Regulation Section 12.21.01), except as may be waived, in whole or in part, by the ZBA:

- Plans prepared by a professional engineer, architect or land surveyor, registered and/or licensed to practice in the State of CT, drawn to a scale of not less than forty (40) feet to the inch.
- The plans must include: Title block, north point, numeric and graphic scale, location map, seal of the plan preparer and signature, street address, assessor's map, block and lot number, and all revision dates.
- Boundaries of the property certified to a State of CT Class A-2 Survey standard (Effective 8-5-98)
- Architectural drawings done to a scale of not less than one-quarter (1/4) to the foot of all proposed buildings, additions, structures, including general exterior elevations.
- Location of all existing and proposed buildings, additions, structures, walls, fences, building setback lines, building height, property size, frontage, septic system and landscaping.
- Location and extent of inland wetlands, tidal wetlands, watercourses, coastal resources and water bodies.

The original application form and 12 sets of supporting documentation and plans (large size) must be submitted to the Land Use Office by the submittal cut-off date provided by the ZBA Coordinator. Applications shall include any other additional supporting information as may reasonably be asked for by the Zoning Board of Appeals.

- 10) The applicant must provide a list of names and addresses of any landowners abutting or within one-hundred (100) feet of the subject property (Section 12.21.02) as shown on the most recent records on file in the Tax Assessor's Office. In addition, if a property is located in a beach/landowner association, the name and address of the President of the association shall be included in the list. The applicant must mail notification (copy of Legal Notice of the meeting, which will be emailed/mailed to the Agent) of said pending application to the owner of each of the properties, not more than 15 days, but not less than 10 days before the date scheduled for the Public Hearing. Evidence of such mailing, in the form of U.S. Post Office Certificate of Mailing, shall be submitted to the ZBA Coordinator not less than five (5) days prior to the Public Hearing.
- 11) The publication of the final decision shall be provided to the Agent **by the Recording Secretary within 15 days of that Decision by Certified Mail.**
- 12) It is the applicant's or their engineer's responsibility to provide to the Sanitarian, a complete site plan depicting the sanitary sewage disposal design and location. Sufficient time should be considered for health department approval.

Administrative Staff cannot complete the application for the owner, applicant or agent.

NOTE: If a variance is granted, the Applicant must file the Decision (provided by this Office) on the Land Records in the Town Clerk's office. Please check with the Town Clerk's Office for the cost of the filing fee.