

ZONING BOARD OF APPEALS INFORMATIONAL HANDOUT

Please read before filing out

For Questions, please contact Zoning Official,
Jennifer Lindo, (860) 889-2324, jlindo@seccog.org

- A) All public hearings will be held within 65 days following receipt of application, except when the Applicant grants extension.
- B) The Zoning Board of Appeals meets on the 2nd Monday of the Month (unless this date falls on a holiday (then the meeting will be set for the 2nd Tuesday) at 6 p.m. in the lower level conference room of the Town Hall.
- C) A new application should be submitted 12 days prior to the meeting, along with all material showing the plans for which the variance is being requested. Pursuant to Section 3.17.2 A, payment of the application in the amount of \$360.00 should be made out to the "Town of Preston" and submitted with the application.
- D) Applicants should understand that terms "exceptional difficulty" and "unusual hardship" refer to the inability to make reasonable or practical use of the property in a manner that conforms to the Town's Zoning Regulations. The DO NOT refer to the Owners inability to fulfill a purely personal or financial wish. The Board is not permitted to approve variances, which, in effect, constitute a personal license to violate the Zoning Regulations.
- E) A variance becomes effective ONLY when a copy has been filed in the Town Clerk's Office with a legal description (schedule A) and has been recorded in the Town's Land Records. The Applicant must initiate this action and is responsible for the filing of the decision with the Town Clerk.
- F) All appeals from the Zoning Official's decision must be filed with the Chairman or Secretary of the Board within 30 days of the date of the action from which the appeal is entered. There is no similar time limit for which a request for variance must be presented.
- G) Appeals from the Board's decision may be taken to the Superior Court within (15) fifteen days of the date when the notice of decision is published.
- H) Applicants or Representatives must be present at all public hearings regarding their application.

ALL APPLICATIONS WILL REQUIRE A LEGAL NOTICE TO APPEAR IN THE PAPER AFTER THE BOARD TAKES ACTION. PLEASE NOTE THAT A PERMIT WILL NOT BE VALID UNTIL THE LEGAL NOTICE FEE IS PAID. THE AMOUNT OWED WILL BE NOTED IN YOUR ACTION LETTER FROM THE BOARD.



Town of Preston
Zoning Board of Appeals
Application

Application # _____ Date Submitted _____ Amount Paid \$ _____ Check # _____

Applications must be filled out completely in ink, and be accompanied by copies of all items listed on the checklist below and a fee of \$360.00 payable to the Town of Preston.

Checklist:

1. _____ Denial from Zoning Official (if appeal)
2. _____ Application fully completed in ink
3. _____ \$360.00 Application fee to Town of Preston
4. _____ Copy of Deed
5. _____ Copy of Assessor's Map
6. _____ Letter from Applicant explaining appeal or variance request in detail
7. _____ Site plan of request or any other documentation necessary

All pertinent questions must be answered, where additional space is needed, please attach a separate sheet of paper. Please attach any necessary floor plans, sketches, photographs, or other material to ensure comprehension of all circumstances.

Applicant Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

Property Owner's Name: _____
Mailing Address: _____

AFFECTED PROPERTY INFORMATION:

Street Address of Affected Parcel: _____
Zone: _____ Assessor's Map Number: _____ Lot Number: _____

Is affected property within 500 feet of Town Line? _____

Has any previous variance request or appeal relative to this property been filed with the Zoning Board of Appeals? ___ Yes ___ No

If Yes, was the variance request granted or denied? _____

Describe how the front, side, and rear property boundaries were determined. Do you have an A-2 Survey? **

** The ZBA or the ZEO may require that an A-2 survey be provided, especially when requesting a variance of required setbacks or coverage, etc. If a setback variance is granted, the location of the building may be required to be established by a land surveyor licensed in Connecticut to ensure proper location, and/or an A-2 As-built survey may be required.

Abutters Listing (contiguous properties)(attach additional sheets if necessary)

A. Name: _____

Mailing Address: _____

B. Name: _____

Mailing Address: _____

C. Name: _____

Mailing Address: _____

APPLICATION RELATES TO: (CHECK ONE ITEM)

___ Request for variance of Section(s) _____ of Preston Zoning Regulations.
Applicants should understand that the terms "exceptional difficulty" and "unusual hardship" refer to the ability or practical use of property in a manner that conforms to the Town's Zoning Regulations. They DO NOT refer to the Owner's inability to fulfill a purely personal wish. An "exceptional difficulty" or "unusual hardship" can't be economic or personal and must be unique to the subject property. The Board is not permitted to approve variances, which, in effect, constitute a personal license to violate the Zoning Ordinance.

___ Alleged error in the Zoning Official's action under Section(s) _____.
When an Applicant enters an appeal charging the Zoning Official with an error, a detailed explanation of the basis of the allegation MUST be attached to this form.

___ Approval of Gas Station or Motor Vehicle Business.
Applicants seeking approval of a proposed location for a Gas Station or Automobile Dealer's or Repairer's Business MUST be accompanied by the appropriate Department of Environmental Protection or Department of Motor Vehicles form.

I hereby certify that the above information is true and correct to the best of my knowledge and authorize the Zoning Board of Appeals' members to inspect the property in question.

Signed: _____ Date: _____

Approve/Denied _____	Date _____
Signature of Chairman: _____	
Comments/Conditions: _____	

SECTION 23 - ZONING BOARD OF APPEALS

23.1 **Power and Duties.** The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the CGS. (approved 7/23/2019 effective date 8/15/2019)

- a. Any person may apply to the Zoning Board of Appeals for a variance of these Regulations 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 these Regulations would result in exceptional difficulty or unusual hardship.
- b. No variance shall be granted that would result in the establishment of a commercial or industrial use in a residential district, except as may be permitted by these Regulations.
- c. No variance shall be effective until it is filed by the applicant with the Town Clerk in the land records, as prescribed in Section 8-3d of the General Statutes.
- d. Any person claiming to be aggrieved by any order, requirement or decision made by the Zoning Enforcement Officer may appeal to the Zoning Board of Appeals.
- e. Any applicant to who a variance is granted from the requirements outlined in Section 16.15 of these Zoning Regulations (Special Flood Hazard Area Requirements) shall be given written notice by the Zoning Board of Appeals that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. .

23.2 **Procedures.** All appeals and applications for variances made to the Zoning Board of Appeals shall be in writing on forms obtainable from the Zoning Enforcement Officer.

- a. The Board shall hold a public hearing on all applications and appeals as prescribed by the General Statutes.
- b. Not less than ten (10) days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Board with evidence of mailing of such notices at the public hearing.
- c. All applications and appeals shall be accompanied by a fee as noted in Section 3.17 of these Regulations
- d. An appeal must be filed with the Board within thirty (30) days after the date of the action being appealed.

Section 23.2 b. of the Zoning Regulations: "Not less than ten (10) days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Board with evidence of mailing of such notices at the public hearing."

Below is a sample Notice to Abutters letter for Variance. If you would like this letter sent to you as an email attachment, please contact the Planning Department at 860.887.5581 x118 or x109. FYI – the 10 days does not include the date of the meeting or the date the notice is mailed.

CERTIFIED MAIL

**Notice to
Abutters
Request for
a
Variance in the Town of Preston**

Date

Name
Address
Preston,
CT Zip

Dear Neighbor:

In accordance with the requirements of the Preston Zoning Regulations – Section 23, I hereby notify you, as an abutting property owner, of my intent to request a **Variance, application reference:**

For my property located at

The Zoning Board of Appeals will consider this application at a **public hearing** to be held on _____ at 6:00 p.m. at the Preston Town Hall (lower level conference room) 389 Route 2. You may appear at the public hearing and be heard, and written communications may be forwarded to the

Town of Preston
Zoning Board of Appeals
389 Route 2, Preston, CT 06365.

Copies of this application are available for review at the Preston Town Hall between 9:00 a.m. and 4:30 p.m. Tuesday through Friday in the Planning and Zoning Office, 389 Route 2, Preston, CT 06365.

Sincerely,

**Town of Preston
Zoning Board of Appeals
Index and Record of Action Taken**

Application #: _____

Affected Address: _____

Before Public Hearing the following items must be obtained:

- _____ Denial from Zoning Commission/Zoning Official (If Appeal)
- _____ Application Form Completed
- _____ Fee (\$360.00 payable to Town of Preston)
- _____ Copy of Deed
- _____ Copy of Assessor's Map
- _____ Letter from applicant explaining appeal or variance requested in detail
- _____ Site plan of request and any other documentation necessary
- _____ Set Public Hearing Date 1st Date: _____
- _____ Confirm availability of Town Attorney if needed

Create Public Hearing Legal Ad and Publish twice

1st Publication Date: _____

(No more than 15 days no less than 10 days.)

2nd Publication Date: _____

(No more than 5 days no less than 2 days.)

_____ Notify Applicant of hearing date by Certified Mail, with a copy of the ad and form for abutters letters to be sent by owner/applicant

_____ Create an Agenda

_____ Make 9 copies of all Case Documents (items 1-6, 9, & 12) and send to ZBA members:
(ONE Packet for display table in TOWN CLERK'S OFFICE.)

_____ File Agenda and Legal Notice with Town Clerk within 48 hrs of the Public Hearing.

DAY OF THE HEARING:

_____ Get tape recorder ready.

Application Approved on _____ (date) Denied on _____ (date)

Conditions (if approved) or comments (if denied): _____

DAY(s) AFTER THE HEARING:

_____ Motions filed with Town Clerk

_____ Minutes filed with Town Clerk

_____ Create Decision Notice and file with Town Clerk and publish once.

_____ Send Applicant Decision Letter and CC to Zoning Official (for Street File)

_____ File packet in appropriate ZBA file.