

See Last Page for FEES

## Application for Zoning Board of Appeals

*For office use only:*  
 Form submission date: \_\_\_\_\_  
 Fees received: \_\_\_\_\_  
 Notes: \_\_\_\_\_

<u>Check List</u>		
Applicant		Office
<input type="checkbox"/> Complete Application Form		<input type="checkbox"/>
<input type="checkbox"/> Required Fees		<input type="checkbox"/>
<input type="checkbox"/> Site Plan or Drawing		<input type="checkbox"/>
<input type="checkbox"/> Abutters List		<input type="checkbox"/>
<input type="checkbox"/> Agent Letter (if needed)		<input type="checkbox"/>

*This application must be completed and additional materials, such as maps and property owner lists must be attached. An original plus four copies must be submitted. Please refer to Section 8 of the Woodbury Zoning Regulations for a complete description of application requirements. Attach additional sheets if needed to fully complete this application.*

**Application Type:**    Variance Request     Appeal of a Zoning Enforcement Decision     Special Permit for Change of Use

Date: \_\_\_\_\_

Subject Property: \_\_\_\_\_ Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_

District:     R-40     OS-60     OS-80     OS-100     GA     MSD     PI     EE     MQ

Name of Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Name of Agent: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address of Agent: \_\_\_\_\_

**If a Variance or Special Permit for Change of Use is Requested:**  
*(attach additional sheets if needed):*

Specific Variance or Special Permit Requested: \_\_\_\_\_

Under what section of the Zoning Regulations is application based: \_\_\_\_\_

Has any previous application been filed concerning these premises?    Yes    No When \_\_\_\_\_

Describe the construction or activity for which the variance or special permit is requested, including (as appropriate) site plans, existing site conditions, architectural renderings, structure drawings, and any other specifications.

If a variance request, please state specific hardship claimed *(See Guidelines on Page 5)*: \_\_\_\_\_

For Office Use- Address:

**-ZBA-**

**Attach the Following for Variance or Special Permit (See Sections 8.5 and 9.6.2.3 for Details):**

- A site development plan (if applicable)
  - Preliminary architectural plans of all proposed buildings, structures and signs, including perspective drawings of exterior elevations as a scale of not less than 40 feet to the inch
  - A general location map showing the surrounding property within 500 feet, including structures, roads, watercourses, names of contiguous property owners and other relevant physical features
  - An interior floor plan (if applicable)
  - Historic use information and documentation (if applicable)
  - Site plans and drawings depicting current and proposed use at a scale and in sufficient detail to describe the proposal
  - Documentation of or intent to continue a non-conforming use
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**If an Appeal of a Zoning Enforcement Decision:**

Describe the Action Appealed Including all Relevant Dates, Names and Addresses:

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Provide Details for the Requested Appeal:

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List All Supporting Documents Provided:

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Plot plan, drawn to scale, must be submitted with this application delineating property lines, building lines, location of septic system and any other structures on the property.

**The Zoning Board of Appeals at its discretion may require an A-2 survey of any application.**

Please note: Before the issuance of a Certificate of Occupancy, your property will be inspected for compliance with the Zoning Permit, if any, that is issued for this construction (CT General Statutes, P.A. # 84-174).

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**The Subject Site/Project (check all that apply):**

- Is within 500' of a town boundary
  - Is in a Flood Plain
  - Is in a Historic District
  - Involves an Inland Wetlands regulated activity.
  - Is in the Aquifer Protection District
  - Contains Inland Wetlands or Watercourses
  - Is in the Public Drinking Water Source Protection Area
  - Other \_\_\_\_\_
- 

*I, the undersigned, hereby depose that all the above statements contained in any papers submitted herewith, are true and to the best of my knowledge and belief. I further understand that pursuant to Sec. 9.6.2.4, the ZBA may require the filing of an A-2 survey map.*

Signature of Owner/Agent: \_\_\_\_\_



This is a **SAMPLE letter** for the applicant to use for required notice to abutting properties.  
**Do not send until you received instructions for providing such notice.**

**CERTIFICATE OF MAILING**

**Notice of Public Hearing**

Date:

To Whom It May Concern:

This notice is being sent to you as an owner of property that abuts property located at \_\_\_\_\_**(Map \_\_\_\_\_)(Lot \_\_\_\_\_)** which is the subject of an application currently before the Woodbury \_\_\_\_\_ Commission.

A Public Hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ **p.m. in the Shove Building conference room located at 281 Main St. South** (*Check with Land Use Office for Time & Location of Public Hearing*) for consideration of this application.

You as an adjacent property owner may be present at the hearing to express concerns, opinions, and/or questions regarding this application. Correspondence will also be accepted. The application is on file at the Land Use Office for viewing during business hours.

Nature of application being applied for:

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Regards,

# Important Information

Should you require assistance, please call to arrange an appointment.

203-263-3467

## Applicants for Variances

Please be certain to include a scaled and detailed plot plan/ survey representing the current condition and proposed location with all applications. If an accurate representation is not included the application will be classified as incomplete and returned. It is the **applicant's responsibility** to make sure the application for a variance is in the proper form and is **complete** before submitting it to Zoning Board of Appeals. In order to make certain that the Commission members understand your request, it is suggested that the applicant set up a brief review meeting with the Land Use Office. During this meeting, you will review any applicable plans (plot plan, building plan) in their FINAL stage as well as the specific sections of the regulations that require a variance.

## Guidelines for Hardship Determination (Variance Requests)

The Zoning Board of Appeals is empowered by the Connecticut General Statutes, Section 8.6 to determine and vary the application of the Woodbury Zoning Regulations in harmony with the general purpose and intent of the regulations and only with respect to a parcel of land affected by conditions creating "exceptional difficulty or unusual hardship."

Variances of the zoning regulations may only be granted "in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely 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, literal enforcement of such bylaws, ordinances, or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured." (Connecticut General Statutes, Section 8-6)

Financial considerations are rarely a valid reason for issuing a variance. A demonstration that the proposed action would not be detrimental, or may even be beneficial, to the neighborhood is also not sufficient. The hardship must arise from the application of the regulations on the land, not on the landowner; therefore, a self-created hardship cannot justify a variance.

These guidelines are for general information only. Applicants should consult the Woodbury Zoning Regulations and the Connecticut General Statutes for exact legal requirements.

## Appeals from Zoning Enforcement Decision

### 9.6.1 Power and Duties:

The Zoning Board of Appeals (ZBA) shall have the powers and duties prescribed by Chapter 124, Section 8 of the Connecticut General Statutes, as revised, and by the Woodbury Zoning Regulations, which powers and duties area summarized and more particularly specified:

#### 9.6.1.1 Appeals:

The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision, or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question or whether or not, and to what extent such order, requirement, decision or determination was a correct interpretation of the subject provision of the Woodbury Zoning Regulations.

**The Appeal from a Zoning Enforcement Decision must be made within 30 days of the date of the order, requirement or decision.**

## Guidelines for Special Permit for Change of Use

The Zoning Board of Appeals is empowered by the Woodbury Zoning Regulations to issue a Special Permit for a change of use involving non-conforming uses. The Zoning Board of Appeals must determine that any proposed new uses are no more intrusive. Expansion or extensions to a non-conforming building may not exceed 125% of the floor area used for such non-conforming use as of April 1, 1969. No Special Permit is required for such expansion, but it must be otherwise in conformance with the Woodbury Zoning Regulations. A standard Zoning Permit is required for proof of compliance.

These guidelines are for general information only. Applicants should consult the Woodbury Zoning Regulations and the Connecticut General Statutes for exact legal requirements.

## All Applicants Your Responsibilities to Notice the Public Hearing

Upon scheduling of a public hearing by the commission, the applicant shall notify by CERTIFIED MAIL all owners of property abutting the subject property according to the current Grand List together with any additional properties deemed by the Commission to be potentially impacted by the development, including parcels separated from the subject property by a public street or other municipal property, at least seven (7) days in advance of the initial public hearing (Sec 8.1.9).

# Zoning Board of Appeals Fees:

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A.	Request for Variance	\$260
B.	Appeal of the Decision of the Zoning Enforcement Officer	\$160
C.	Special Permit for Change of Use	\$310

***All Stated Fees Include a \$60 State of Connecticut Surcharge***  
(Fee Schedule Revised June 1, 2016)