

**TOWN OF WOLCOTT
ZONING BOARD OF APPEALS
INSTRUCTIONS AND PROCEDURES**

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APPLICATIONS:

All questions on the application must be answered to the best of your knowledge, and all required information must be submitted with the application. The appellant or his /her agent shall sign the application.

***PLEASE NOTE: ALL APPLICATIONS TO THE ZONING BOARD OF APPEALS MUST STATE A HARDSHIP IN ORDER TO BE CONSIDERED FOR A VARIANCE (see attached).**

**ALL APPLICATIONS MUST BE FILLED OUT IN THEIR ENTIRETY, AND SUBMITTED WITH THE FOLLOWING SUPPORTING DOCUMENTATION REQUIRED:
THERE ARE NO EXCEPTIONS.**

- A) **NINE** sets: of a Plot plan and/or Drawings/Maps drawn to scale, accurately showing lot dimensions, area, yard dimensions, location and size of all existing and proposed buildings on the property, and the intended uses of each building;
- B) **NINE** sets of building plans if a new or existing building, addition or alteration to a building is involved;
- C) A letter from the Zoning Enforcement Officer denying your application;
- D) A copy of the building permit application, including lot coverage information;
- E) Inland/Wetlands approval;
- F) Chesprocott approval;
- G) A copy of the Property Deed;
- H) A copy of the Assessor's Card;
- I) **Application Fee - \$250.00** (payable to the **Town of Wolcott**) {this fee will not be returned if your application is denied; it is used to pay for the publication of 3 required legal notices for each appeal}.
- J) **State filing fee for Variance - \$53.00** (payable to **Wolcott Town Clerk's Office**)
{this fee will not be returned if your application is denied-a **CERTIFICATE OF DENIAL OF VARIANCE** will be recorded on the land records)
- K) A copy of the letter which was sent to neighbors adjacent to the property, and/or neighbors that are across the street from the property –**must be brought to Public Hearing.**
- L) Certified Return Receipts from the letters sent – **must be brought to the Public Hearing.**

****PLEASE PREPARE TWO (2) SEPARATE CHECKS (\$250.00 payable to Town of Wolcott) (\$53.00-payable to Wolcott Town Clerk's Office)**

**WOLCOTT ZONING BOARD OF APPEALS
INSTRUCTIONS AND PROCEDURES (cont.)**

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LETTERS TO BE SENT TO NEIGHBORS:

Applicants must send a letter, by Certified; Return Receipt mail, no later than seven (7) days prior to the hearing, to all adjacent property owners, and property owners across the street. If a property is owned by more than one person, the letter may be sent to such property owners at the address that is on file with the Wolcott Tax Assessor's Office. The letter is to advise your neighbors that you have filed for a variance, the type of addition/construction that you are asking for approval for, the reason for the variance, and the date, time, and place that the hearing will be held. The letter must also advise them that they are entitled to be present at the Public Hearing to express their opinion, concerns, and/or to ask questions about your application. Correspondence is also accepted. The green receipt cards that you receive in the mail showing proof of delivery or attempted delivery, **MUST** be brought to the Public Hearing and submitted.

POSTING OF SIGN:

Applicants must post a sign (which is available in the Zoning Board of Appeals Office), no later than **ten (10)** days prior to the Public Hearing. The sign must be posted so that it is visible from the street.

ZONING BOARD OF APPEALS' COMMISSION MEETING/APPLICATION DEADLINE:

The Zoning Board of Appeals Commission meets on the second (2nd) Wednesday of each month, therefore, due to state statute requirements for legal notice publications, all applications must be submitted to the Zoning Board of Appeals' Secretary no later than 4:00 p.m. on Wednesday (exactly three (3) weeks prior to the date of the meeting).

IF A SECOND MEETING IS REQUIRED FOR THE SAME APPLICANT:

If the applicant does not provide, and follow all information and procedures outlined in these instructions, and the appeal cannot be heard for the Public Hearing in which it was published for, then it would be the applicant's responsibility to provide payment to the Town of Wolcott for the re-publication of their application for the next meeting.

**THE BOARD, IN ITS DISCRETION, MAY DISMISS AN APPEAL (WITHOUT PREJUDICE)
FOR FAILURE TO COMPLY WITH ANY OF THE FOREGOING INSTRUCTIONS AND/OR
PROCEDURES.**

**I HAVE READ, UNDERSTOOD, AND AGREE TO COMPLY WITH ALL INFORMATION CONTAINED
HEREWITH IN THESE INSTRUCTIONS AND PROCEDURES:**

APPLICANT'S SIGNATURE

DATE

APPLICANT'S SIGNATURE

DATE

VARIANCE:

A Variance is authority extended to the owner to use his property in a manner forbidden by the zoning regulations. A Variance does not create a change of zone, for a particular parcel, but authorizes the landowner to use his property in a manner prohibited by regulations.

PLEASE NOTE: ALL APPLICATIONS TO THE ZONING BOARD OF APPEALS MUST STATE A HARDSHIP IN ORDER TO BE CONSIDERED FOR A VARIANCE.

HARDSHIP:

A peculiar or unique feature of a particular piece of property that **PREVENTS** the landowner from making a **reasonable use** of the property in conformance with the existing zoning regulations. A hardship has nothing to do with the personal circumstances of the landowner. The fact that the owner might be able to make a more profitable use of the land, if it were not for the zoning regulations, does **NOT** equate to hardship. **Proof of a true hardship is a legal requirement for a zoning board of appeals to issue a variance.**

State of Connecticut – Department of Environmental Protection

Connecticut General Statutes Section 8-6

- Financial considerations are rarely a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. **The fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient.**
- **Self created hardship is not sufficient grounds for granting a variance;** i.e., the landowner must not have taken any action that caused the hardship to occur. In some cases, the simple fact that a landowner purchased his or her property with knowledge of the zoning restrictions may prevent a valid claim of hardship. When a condition which results in the hardship is due to one's own voluntary act, **the zoning board is without the power to grant a variance.**
- The hardship must arise from the operation of the regulations on the *land, not on the landowner*, and the land must be 'peculiarly disadvantaged' by the regulation for which the variance is sought.
- **Disappointment in the use of property** does not constitute exceptional difficulty or unusual hardship and a variance should not be granted unless it is in harmony with the general purpose and intent of the zoning ordinance.
- A hardship resulting from the peculiar topography or condition of the land, or a peculiar location **which makes the property unsuitable for the use permitted in the zone in which it lies**, may well be such a hardship as is contemplated by the ordinance.