APPLICATIONS MUST BE IN DUPLICATE. All forms must be clear, accurate and COMPLETELY filled in (use black ink). Incomplete applications will not be scheduled for public hearing until complete. Please refer to the ZBA schedule of hearing/meeting and deadline dates.

Required Application Materials:

- Variance application: 2 originals with original signatures and 10 copies.
- Electronic copy of all application materials sent to lynn.brooksavni@newcanaanct.gov and cc: lola.sweeney@newcanaanct.gov.
- Written statement of hardship: 1 original and 11 copies.
- Existing Condition, twelve (12) (2 full size original and 10 reduced 11” x 17”) surveys shall be to scale signed and sealed by a licensed land surveyor with embossed seal no later than 10 years old.
- Survey/Proposed Site Plan, twelve (12) (2 full size original and 10 reduced 11” x 17”) shall be to scale signed and sealed by a licensed land surveyor or engineer.
- Building Plans (proposed) to include, floor plans & elevations: 1 full size original copy and 11 reduced 11” x 17” copies.
- Demolition Plan (if applicable) indicating where wall, roofs, foundations & windows will be demolished and/or removed in both the elevation and plan view.
- Certificates of Mailing in accordance with the Town of New Canaan Zoning Regulations, Sections 8.1.G and 8.1.I (if applicable). A map and list of neighbors within 100 feet of the subject property.
- One copy of the letter sent to the neighbors and the Certificate of Mailing must be submitted to the P&Z office no later than 10 days prior to the hearing/meeting date or this application will not be scheduled.
- Certificated and/or decisions of any previously granted variances, if applicable, twelve (12) copies.
- Agent Authorization Letter, if applicable.

NOTE: All copies must be folded and collated into separate packages for each Board member.

Recommended:

Any other pertinent information/materials: i.e. topographical map(s), photograph(s), letter(s) from surrounding neighbors, etc. The application may be referred to the Health Department, Inland Wetlands and/or Public Works for comment and review at the discretion of Planning and Zoning staff.

ZBA Board Members must be able to visually inspect the property in question. Please see that the address is posted on the property as required by the Town Ordinance Concerning Display of Building Numbers (building numbers must be at least 2 ½ inches in height, visible on the building, mailbox, fence, or post).

APPLICATION FEE: PLEASE MAKE THREE (3) SEPARATE CHECKS TO: TOWN OF NEW CANAAN

1. $400.00 Residential Uses, Commercial Uses and Administrative Appeal
2. $800.00 Legalization “AFTER THE FACT” applications where the violation precedes the application – double the fee otherwise applicable.
3. $60.00 STATE OF CONNECTICUT LAND USE APPLICATION FEE: (State of CT PA 09-03).

3. $60.00 RECORDING FEE; $5.00 per additional page. If denied, the check will be returned.
ZONING VARIANCE

The undersigned owner(s) of record hereby apply for a VARIANCE as to certain Real Estate
located at: #______________________________________________________ Street/Road.

Within 500 feet of another municipality?  Yes (  )    No (  )    Town of __________________

Owner’s Name: _______________________________ Address: _______________________________
Owner’s Telephone #: ________________________ Email Address: ____________________________

If Applicant’s name is different than the Owner’s name:

Applicant’s Name: _______________________________ Address: _______________________________
Applicant’s Telephone #: ________________________ Email Address: ____________________________

In the __________ Zone, as shown in the New Canaan Land Records: VOLUME _____, PAGE _____
and more particularly described by bounding owners as follows:

Northerly by: ____________________________  Southerly by: ____________________________
Easterly by: ____________________________  Westerly by: ____________________________

MAP # ___________  BLOCK # ___________  LOT # ___________

The requested VARIANCE is of Section(s) ____________________ and is described as follows:
_____________________________________________________________________________
_____________________________________________________________________________
A detailed description of the claimed hardship must be attached.

Were variances previously granted for this property?   Yes (  )    No (  )
If yes, a copy of the certificate or decision must be attached.

I hereby acknowledge that unless I comply with provisions of the Town of New Canaan Zoning Regulations Section 8.1.G and Section 8.1.I (if applicable), which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: _______________________________  SIGNED: _______________________________
Owner of record  Owner of record

Official date of receipt: ______________________  Hearing scheduled: ______________________

I, Laura Edmonds, Chairman of Zoning Board of Appeals of the Town of New Canaan, hereby certify that at a meeting of said Board duly held on ______________________, said Board by resolution voted:

1. That said Variance be DENIED.

2. That said Variance be GRANTED in accordance with the approved plans unless modified herein.

3. That said Variance becomes effective upon its recording on the Land Records in the Town Clerk’s Office.

4. That notice of such Action be published as required.

5. Conditions, modifications, or restrictions:

Laura Edmonds, Chairman  Published

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ZONING VARIANCE

The undersigned owner(s) of record hereby apply for a VARIANCE as to certain Real Estate located at: #______________________________________________________ Street/Road.

Within 500 feet of another municipality? Yes ( ) No ( ) Town of _______________________

Owner’s Name: _____________________________ Address: _____________________________
Owner’s Telephone #: ______________________ Email Address: __________________________

If Applicant’s name is different than the Owner’s name:

Applicant’s Name: ___________________________ Address: _____________________________
Applicant’s Telephone #: ____________________ Email Address: _________________________

In the __________ Zone, as shown in the New Canaan Land Records: VOLUME _____, PAGE _____ and more particularly described by bounding owners as follows:

Northerly by: ________________________ Southerly by: _____________________________
Easterly by: _________________________ Westerly by: ______________________________

MAP # __________________ BLOCK # __________ LOT # ___________

The requested VARIANCE is of Section(s) ____________________ and is described as follows:

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

A detailed description of the claimed hardship must be attached.

Were variances previously granted for this property? Yes ( ) No ( )

If yes, a copy of the certificate or decision must be attached.

I hereby acknowledge that unless I comply with provisions of the Town of New Canaan Zoning Regulations Section 8.1.G and Section 8.1.I (if applicable), which require specific notification of certain neighbors, my application will not be complete and cannot be heard.

PRINT: ___________________________ Owner of record

SIGNED: __________________________ Owner of record

Official date of receipt: ________________ Hearing scheduled: ______________________

I, Laura Edmonds, Chairman of Zoning Board of Appeals of the Town of New Canaan, hereby certify that at a meeting of said Board duly held on ________________, said Board by resolution voted:

1. That said Variance be DENIED.

2. That said Variance be GRANTED in accordance with the approved plans unless modified herein.

3. That said Variance becomes effective upon its recording on the Land Records in the Town Clerk’s Office.

4. That notice of such Action be published as required.

5. Conditions, modifications, or restrictions:

Laura Edmonds, Chairman

Published
GENERAL INFORMATION / ASSISTANCE INFORMATION

WHAT IS A VARIANCE?

A VARIANCE is permission from the Zoning Board of Appeals to use your property in a way that is not permitted by the New Canaan Zoning Regulations. The Board has power, under certain circumstances to “VARY” the requirements of the regulations for a particular property. It is also discussed in the Connecticut General Statutes.

WHY DO I NEED A VARIANCE?

You need a variance because your plans do not conform to the Zoning Regulations for your area. There are many examples, such as:

A. You may wish to build an addition to your home, or a pool or garage, which would be too close to the property line. (Setback variance).

B. Your property may be non-conforming (one acre in a two acre zone, or your building may lack the required setbacks) and be subject to restrictions on further building, or you may exceed the amount of building allowed for your lot.

C. You may need a variance to permit fewer than the required number of parking and loading spaces in the Business Zone.

WHAT MUST I DO?

When you learn that you need a variance (usually when the Zoning Inspector denies your application for a permit), you may submit an application on the prescribed form. At the Public Hearing on your application, after notice of it has been published, you must explain to the Zoning Board why it ought to grant you special relief from the Zoning Regulations because of your unique hardship. You must follow the provisions of Section 8.1.G. (Notification of Property Owners attached) which states how you must notify your neighbors of your request.

WHAT IS MY HARDSHIP?

The Board may grant you a variance if it finds that the Zoning Regulations impose an exceptional difficulty or unusual hardship upon your property, provided the variance will be in harmony with the general intent of the Zoning Plan for the Town and not contrary to public welfare. In other words, you must satisfy the Board that:

A. The Zoning Regulations create a particular disadvantage to your property, which is not common to other properties in your neighborhood.

B. The variance, if granted, will not injure or adversely affect the character or enjoyment of nearby properties.

You must submit proof of your stated hardship with your application.
WHAT THE BOARD NEEDS TO KNOW AND MUST BE SUBMITTED WITH YOUR APPLICATION:

(a) What is it you wish to do, and why? An up-to-date survey must be submitted and also, if applicable, building or architectural plans.

(b) Whether there has been any change in the Regulations since you acquired the property (you are presumed to know the affect of the Regulations in effect at the time you buy). When did you buy the property?

(c) Why are there no available alternatives to your plans? The history of your property.

(d) Whether there has been a change in conditions or circumstances, or whether your “hardship” is largely self-imposed.

(e) Whether there is opposition to your plan or whether your neighbors approved it.
   You must notify your neighbors as provided in the Zoning Regulations. (See attached sample letter.)

(f) The particular respect in which the Zoning Regulations are “unfair” to your property in relation to others in the neighborhood.

The Public Hearing on your application is relatively informal and not a “trial”. The Board will listen to everyone who appears in support and in opposition to your application.

A valid hardship must relate to the characteristics of the land. It may be topographical, or may relate to land use, or may result from the shape of quality of your property, for example. Just because your plan will make your property more comfortable or more valuable, for example, or will be cheaper than some other plan is not a “valid hardship.” Financial difficulty is largely irrelevant.

Please note in appropriate cases the Board may grant a variance subject to certain conditions.

REMEMBER that the burden of demonstrating a valid hardship is upon YOU. The Board has no power to grant a variance unless a valid hardship has been demonstrated, based on submitted materials.

You may have your lawyer present your case, or someone else may appear for you by written permission, or you may present your own case. Obviously, the most effective presentation is one which is well planned and covers all the factors relevant to your particular case.

The Zoning Inspector or Inspector’s staff will answer any other questions you may have.

Incomplete applications may not be scheduled for public hearing.

THE NEW CANAAN ZONING BOARD OF APPEALS
ARTICLE 8 – PROCEDURES
SECTION 8.1. GENERAL PROCEDURES

G. Notification of Property Owners

1. When required by these Regulations, the applicant shall notify owners of property within one hundred (100) feet of the subject property (including owners of individual condominium units), whether inside or outside New Canaan, of a pending application by mailing a notice at least ten (10) days prior to the first scheduled hearing. In accordance with CGS 8-7d(d) as amended by PA 06-80, the Commission is exempt from this requirement.

2. At a minimum, such notice shall consist of:
   a. a description of the proposed activity,
   b. notification of the date, time, and place of the first scheduled hearing, and
   c. a copy of the application form submitted to the Commission or the Board.

3. Notices to such property owners shall be sent via “Certified United States Mail” except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.

4. The latest records of the Town Assessor shall be utilized to determine the owner of each property and if such information is not readily available the fact shall be made known to the Zoning Inspector and the Commission or Board.

5. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to abutters,
   b. a list of the abutters to whom the notices were sent, and
   c. proof of mailing such as “Certificates of Mailing” issued by the United States Postal Service.

I. Notification of Water Companies (if applicable)

1. In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Board concerning any project on any site that is within:
   a. an aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c, or
   b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the New Canaan land records showing the boundaries of the watershed.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information, and
   b. proof of mailing.

4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.
SAMPLE LETTER

PLEASE ADJUST TO FIT YOUR PARTICULAR VARIANCE APPLICATION

Your letterhead (if applicable)

Date

_____ (List home owner)
_____ (Address)

Re: Pending Variance Application: Zoning Board of Appeals

Dear:

I (We) have applied to the Town of New Canaan, Zoning Board of Appeals, for a variance in order to allow… (provide a brief summary of your proposed activity). A copy of my (our) application is attached for your review.

I (We) am (are) scheduled to have my (our) variance application heard before the Zoning Board of Appeals on (day, date) at 7:00 p.m.

The location of the hearing is:

Town Hall
Board Room
77 Main Street
New Canaan, CT 06840

At that time you may appear and speak to the application.

If you have any questions regarding this application, please feel free to call me (us) at (telephone #). The application and relevant drawings are on file with the New Canaan Planning and Zoning office and are available for review during normal business hours.

Sincerely,

(Your name)