

**PETITION FOR A VARIANCE OF THE ZONING REGULATIONS & SITE PLAN REVIEW**

DATE: \_\_\_\_\_

**INSTRUCTIONS**

READ CAREFULLY BEFORE FILLING OUT THIS PETITION!

1. Petition must be prepared and work submitted in accordance with attached checklist.
2. The acceptance of the A-2 Survey (**not more than 10 years old**) and building plan with the accompanying application shall be subject to approval of the Administrator of the Zoning Board of Appeals.
3. All questions must be answered. No application will be accepted if received by mail.
4. All plans and paper work that is submitted to the Office of Planning and Zoning must be folded to 8"X12" or smaller **and** collated into **thirteen (13) separate packets**.
5. Photos and/or any other data as the Administrator may require shall be submitted to clearly present the petition to the Board.
6. No petition will be accepted until all requirements contained herein are completed.
7. All certificates of mailing in association with this application must obtained from the U.S. Post Office for each letter and presented to the Office of Planning and Zoning no later than seven (7) business days prior to the public hearing.
8. All commercial applications relating to new construction or renovation of existing or proposed commercial structures must be submitted to the Architectural Review Board (ARB) for review and comment prior to a formal submission to any land use boards and Town agencies. Please contact the Stratford Town Planner for scheduling your application's placement on the ARB agenda.

SUBMIT COMPLETE APPLICATION. DO NOT DETACH.

**SITE VISITS**

After the submission of this application, the Zoning Board of Appeals members and /or staff may decide to carry out informal, independent site visits to the subject property. These visits would take place prior to the Public Hearing at which the application is scheduled.

We thank you for your cooperation.

Please feel free to contact the Planning and Zoning Office if you have any questions or there are any special circumstances which might affect site visits.

The undersigned presents the following petition for a (Check those which apply):

VARIANCE [ ] APPEAL FROM ZONING ENFORCEMENT OFFICER [ ]  
under the Zoning Regulations of the Town of Stratford, sections \_\_\_\_\_ and  
located in \_\_\_\_\_ Zoning District at:

Number Street Lot # Name of Record Map

\_\_\_\_\_ Check here if property is located within 500 feet of adjoining Town Line.

Deed information: Volume: \_\_\_\_\_ Page \_\_\_\_\_ Date \_\_\_\_\_

- 1. Name of Petitioner \_\_\_\_\_
- 2. Petitioner's interest in property (Owner, lessee, etc.) \_\_\_\_\_
- 3. Has any previous petition been filed? \_\_\_\_\_ If so, give date of hearing \_\_\_\_\_ Brief statement in which this petition may differ \_\_\_\_\_
- 4. This petition relates to: LOT AREA [ ] LOT WIDTH [ ] LOT DEPTH [ ] SET-BACK [ ]  
SIDE YARD [ ] REAR YARD [ ] FLOOR AREA [ ] PARKING SPACE [ ] LOT COVERAGE [ ]  
ADVERTISING SIGN [ ] (Check those which apply) OTHER \_\_\_\_\_
- 5. Use to be made of property if petition is granted \_\_\_\_\_
- 6. Is hardship claimed? \_\_\_\_\_ What is the specific hardship? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This application shall be signed by the owner of record.

OWNER'S SIGNATURE \_\_\_\_\_ Applicant's signature \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone # \_\_\_\_\_  
E-Mail: \_\_\_\_\_

THE APPLICANT IS REQUIRED TO NOTIFY NEIGHBORING PROPERTY OWNERS PURSUANT TO THE ATTACHED INSTRUCTIONS

FLILING FEES – Please make checks payable to Town Clerk Office  
- Filing fee is \$60.00  
- Checks need left undated  
-

FEES – Please make checks to STRATFORD ZONING BOARD OF APPEALS

RESIDENTIAL

Waiver or Variance \$320.00 Fee Paid [ ] Cash Receipt # \_\_\_\_\_

Appeal from Z.E.O. \$375.00

Commercial & \$520.00

Industrial \$520.00 \$\_\_\_\_\_ Check Received by \_\_\_\_\_ Date:  
\_\_\_\_\_

\*No additional fee will be charged for Site Plan Review

## Zoning Board of Appeals

### Additional Required Information

#### Regarding ITEMS REQUIRED

- All items must be submitted in **sets of thirteen (13)**
- A **written statement** citing the specific provision(s) of the Regulations from which the variance is sought.
- All plans & drawings must be full size (24"x36") (unless specifically requested and approved by staff), drawn to scale and in a PROFESSIONAL manner and must include a title block noting the name, address & telephone number of preparer. **(All sets FOLDED DOWN to 8" x 12" or smaller)**
- Include the District Development Standards table indicating **both required** as well as the **proposed** Standards as provided in the Zoning Regulations
- Elevation views of a proposed new structure or elevation views of an existing building where an addition or change is proposed.
- Floor plan of building(s) or section of building(s) being considered by the Board. **(All sets FOLDED DOWN to 8" x 12" or smaller)**
- All applications must include the following:
  - a) Mailing address & zip code of petitioner or authorized agent.
  - b) Daytime telephone number of petitioner or authorized agent.
  - c) Signature of owner(s) & applicant(s)
  - d) Fees – Check, cash, or money order payable to the TOWN OF STRATFORD and caveats are \$60, made out to the TOWN CLERK and checks need to be undated.
- The Office of Planning & Zoning reserves the right to request a digital copy to be submitted with the application on a **USB flash drive**. The information on the USB flash drive must include the application, site plans, and all other hard copy information (landscaping, floor elevations, etc) that will be submitted. It also must be labelled with the property address and the date of hearing.
- All plans and paper work that is submitted to the zoning office must be FOLDED (8"x12" or smaller) and Collated into **thirteen (13) separate packets**.
- Applications that do not provide ALL of the above required information will be considered "incomplete" and will not be accepted.

As of July 5, 1994, the Zoning Board of Appeals requires that all plot plans submitted with variance applications conform to the following check list:

VARIANCE REQUESTED	ITEMS REQUIRED (See Check List)
Setback, rear yard, side yard, and /or parking	#1, 2, 3, 4, 5, 11
Swimming Pools Above ground	#1, 2, 5, 11
In ground	#1, 2, 5
Motor Vehicle	#1, 3, (#2 and 4 new construction only) 5, 11
Division of land, lot area, lot width, lot depth or lot frontage	# 1, 2, 3, 5, 6, 9, 11
Building coverage, impervious area, open space area	#1, 2, 3, 4, 5, 11
Height (Garages, building height)	#1, 4, 5, 7, 11, 12
Signs, Free Standing	#1, 2, 5, 8, 9, 11
Signs, Wall	#1, 5, 8, 11
Fence	#1, 2, 5, 11
Flood Elevation	#1, 5, 10, 11
Expand, alter or rebuild nonconforming bldg.	#1, 2, 3, 4, 5, 11, 12
Home Occupations	#1, 2, 3, 4, 5, 11

#### CHECK LIST

1. Thirteen plot plans, of A-2 quality, drawn to scale showing the following;
  - a. All existing and proposed buildings on property.
  - b. Any building within 35 feet and street numbers on all adjoining property lines.
  - c. Location of existing and proposed streets, sidewalks and curbs.
  - d. Location of existing or proposed driveways, parking areas, impervious areas and open space areas. (Include area calculations)
  - e. Building set-back line as required by applicable zoning.
  - f. Width and location of all easements, if any.
  - g. Amount and location of all wetlands, waterbodies and watercourses and distance of any land elevation change from wetlands.
  - h. Location of the following coastal resources: Tidal Wetlands, Coastal bluffs and escarpments and beaches and dunes.
  - i. Private restrictions, if any.
  - j. Trees and wooded area affecting application.
  - k. A general location map showing the property in relation to all neighboring streets.
2. A-2 surveys are to be certified by a Registered Land Surveyor. In the case of beach cottages, plot plan should show distances to adjoining cottages and size of cottages. For open uncovered decks not exceeding 200 sq. ft.: A site plan, by a licensed architect, showing the proposed deck, will be accepted if it is submitted with a plot plan, certified by a registered surveyor, which is not more than 10 years old.
3. All District Development standards shall be tabulated and shown on site plans.
4. **Thirteen** floor plans and building elevation plans (minimum front & side views) must accompany the petition where required.
5. Copy of deed. For approval of a building lot, submit copies of all deeds since 1945.
6. Copy of Sewer Assessment.
7. Height of buildings on adjoining properties.
8. Sketch of sign with dimensions, contents, material and illumination.
9. Block map of area.
10. Copy of floor elevations.
11. **Thirteen** copies of the completed Application
12. Building elevations of proposed new structure or existing building where addition or change is proposed.

All supporting documents relating to ownership, tax and assessment information and sewer assessment information must be presented as exhibits at the public hearing.

In reviewing this petition, the Board has relied upon information provided by the applicant and if such information subsequently, proves to be false, incomplete and/or inaccurate, any approvals given may be modified, suspended and/or revoked.

An As-built survey will be required for all new building construction as well as setback variance prior to the issuance of a certificate of occupancy.

In accordance with Section 8-3d of the General Statutes of the State of Connecticut, every variance of the Zoning Regulations granted by the Zoning Board of Appeals must be recorded in the land records to be effective. This office will provide the service of preparing the document for filing after the appeal period has expired. The recording fee is \$60.00 per page, and must be submitted when application fee is paid. This must be in the form of a separate check (Undated) made payable to the Town Clerk. Cash will not be accepted. In the event the application is denied, the check for \$60.00 only will be returned with the letter of notification. A photocopy of the deed for this property must be submitted as part of this application.

Prior to submitting this variance application, the petitioner must contact the Building Inspector's Office to determine if the subject property is located within a Flood Zone on the National Flood Insurance Rate Map.

The property located at \_\_\_\_\_

is [ ] is not [ ] located in a Flood Zone.

The necessary information must be provided to the Zoning Board of Appeals if the property is in a Flood Zone.

\_\_\_\_\_  
Building Official

The proposed structures are not within 50 feet of the mean high water line of any waterbody or watercourse or within 50 feet of any freshwater inland/wetland as defined in Chapter 440 of the Connecticut General Statutes.

ZONING BOARD OF APPEALS

\_\_\_\_\_  
Inland/Wetlands Department  
TOWN OF STRATFORD

Instructions to the Applicant for Notification of Adjoining Property Owners.

1. Letters must be sent to each adjoining property owner and those directly across the street explaining the requested variance. (See sample letter below). Names of neighboring property owners may be found in the Assessor's Office.
2. Certificates of Mailing must be obtained from the U.S. Post Office for each letter and presented to the Board.
3. These Letters must be mailed no later than fourteen (14) days prior to the public hearing date.
4. Sign this form below. All certificates of mailing in association with this application must obtained from the U.S. Post Office for each letter and presented to the Office of Planning and Zoning no later than seven (7) business days prior to the public hearing.

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**SAMPLE LETTER**

TO WHOM IT MAY CONCERN:

I have applied to the Zoning Board Appeals for a variance of the Town of Stratford Zoning Regulations to vary Section \_\_\_\_\_ in order to

\_\_\_\_\_

\_\_\_\_\_

on property located at

\_\_\_\_\_ in a \_\_\_\_\_ District.

Copies of the plans are on file in the Zoning Board of Appeals Office, Room 113, Town Hall, Stratford.

This application will be heard on Tuesday evening, \_\_\_\_\_

At 7:00 P.M. in the Council Chamber, Town Hall.

Very truly yours,

\_\_\_\_\_  
The undersigned has complied with the Zoning Board of Appeals requirement of notification of neighboring property owners of the property on which a variance has been requested.

Certificates of such mailing are attached hereto.

Signed

\_\_\_\_\_

## HARDSHIP

### WHAT IS LEGALLY REQUIRED?

To determine and vary the application of the zoning regulations, but only in harmony with the general purpose and intent of the regulations and only with respect to a parcel of land having unusual conditions, not generally encountered within that zoning district, which would make development in full accordance with the regulations extremely difficult. In legal terms, the conditions must be such as the cause “exceptional difficulty or unusual hardship.”

Variations of the zoning regulations may be granted only “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, a 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.”

The courts have strictly interpreted the variance requirements set forth in C.G.S. Section 8-6, and they have sustained several appeals from decisions in which variances were improperly granted. Financial considerations are rarely a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. In addition, the fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient. **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 a variance is sought.**

### ZBA HEARING PROCESS

1. On the evening of your hearing, please arrive at Town Hall promptly at 7:00 P.M.

#### WHEN YOUR CASE IS ANNOUNCED AT THE HEARING DO THE FOLLOWING:

2. Proceed to the podium, speak clearly into the microphone.
3. State your full name and address.
4. State your interest in the property: (Owner, Agent or Attorney, etc.)
5. As briefly as possible, explain what you perceive your property HARDSHIP is and describe your proposed project.
6. Offer to answer questions from Board members and wait for the final discussion.