

NAME OF APPLICANT (Print) _____ APPEAL# _____

**APPEAL TO
ZONING BOARD OF APPEALS**

I hereby appeal to the Zoning Board of Appeals for a Variance from the Zoning Regulations of the Town of Cornwall as follows:

Location of Property _____ Zone _____ Acreage _____

Variance of Section _____ of the Regulations is sought because (state need for variance):

Strict application of the Regulations would produce *undue hardship* because:

The hardship created is *unique* and not shared by all properties alike in the neighborhood because:

The variance would not change the *character of the neighborhood* because:

Have previous appeals been made with respect to this property? Yes _____ No _____

If so, when? _____

Please turn over

Attach a simple plot plan of the property, giving size of lot, names of all adjoining property owners, and showing location of present and proposed buildings with distances from all property lines.

Signature of Owner of Record

Signature of Appellant, if different

Address

Address

Date: _____ Tel: _____

Date: _____ Tel: _____

For Office Use

Appeal # _____ Received _____

Appeal Granted _____ Denied _____ Date _____

ZONING BOARD OF APPEALS
Wednesdays, 9 -12 & 1-4 672-4957
INSTRUCTIONS

Regularly scheduled meetings are held on the fourth Monday of each month. In order to be on the agenda, a complete application must be delivered to the office by NOON on the third Wednesday of the month. Earlier is definitely OK. There is a \$10 filing fee, payable in cash or by a check made out to "Town of Cornwall." The Clerk can help you, but only on Wednesdays. Please do not wait till the last moment.

A ZBA Appeal takes two months from application to decision, because a Public Hearing is required. At the first meeting after you apply, the Board checks over the application for completeness, and may ask you to add more information. They will vote to set it for Public Hearing at the next meeting, before which you are required to send out formal notice to certain neighbors, according to details given on the back.

At the hearing, you will be given the chance to present your application and answer any questions which members of the Board may have. If there is opposition to your appeal (quite rare), that will be heard, too. In general, the Board makes its decision on the same night as the hearing. Conditions to any approval may be added by the Board. When you are granted a variance, you will need to get zoning approval. It is generally most efficient to fill out and file both applications at once, even though zoning must wait for ZBA.

A Zoning Board of Appeals application is asking that you be allowed an exemption from some Zoning Regulation which would prevent you from doing what you want to do. In order for the Board to grant this variance, state statutes require it to find your situation is a hardship, not shared by others, and that what you want to do will not adversely affect your neighborhood. These are the facts which Questions 4, 5 and 6 are asking for.

"Uniqueness" and "character of the neighborhood" are used in their common sense, but "hardship" has a more restricted meaning here. What is meant by hardship for the purposes of ZBA is a difficulty which is due to something beyond the control of the applicant. The fact that your house was built too close to the property lines before zoning existed may create a hardship for you in adding to it. It would probably be a hardship if your house were surrounded on most sides by steep slopes, bedrock or the septic fields.

Here are some things that are NOT considered hardship by zoning law: any condition you are responsible for yourself ("self-created hardship"), or that building something in a conforming manner may be more expensive.

Applications shall be signed by the landowner of record, if different from the appellant. A letter of agency from the owner will serve to meet this requirement. You or your agent should be present at the first meeting to answer questions, or you risk losing a month. One of you MUST be present at the Public Hearing.

Plot Plan (An example is given on the back of the instructions)

Applications shall be accompanied by a plot plan, preferably on regular letter-sized paper. Plot plans shall be drawn to scale, but needn't be prepared by a professional, so long as they accurately show the following information:

- Property boundaries and names of adjoining property owners
- Setback lines, if a setback variance is being sought
- Location and dimensions (including height) of existing and proposed structures
- Number of stories
- Proposed increase or decrease in square and cubic footage
- Location of well and septic system

NOTICE TO NEIGHBORS FOR ZBA VARIANCE APPEALS

The Notice to Neighbors described below should be sent out at a particular time between the meeting that accepts your application and the Public Hearing. Failure to do this correctly could invalidate any grant of your variance.

The procedural requirements for considering an Appeal by the Zoning Board of Appeals shall be as set forth in the Connecticut General Statutes, including the requirement to conduct a Public Hearing.

In addition, the applicant shall send notice of the Public Hearing to all adjacent property owners of record, including those directly across the road from the frontage of the subject property.

Notice shall identify the subject of the Appeal, the pertinent section of the Zoning Regulations, and the date, time and place of the Public Hearing.

Notification shall be by certified return request mail, postmarked no later than the sixteenth day before the hearing (counting both mailing and hearing days).

A list of persons notified, together with the return receipts from such mailings, shall be presented to the Clerk no later than NOON on the second Monday of the month of the hearing; i.e., immediately after you have mailed them. Failure to file on time means your hearing will be postponed a month.

MODEL PLOT PLAN

(You should use a full page for your own plan)

