

INSTRUCTIONS IN COMPLETING ZONING VARIANCE APPLICATION

Please Note the Following:

A. Statutes:

- 1.) Connecticut General Statutes (“C.G.S”) § 8-6 (a)(3) allows a Zoning Board of Appeals to approve variance applications in a manner that is:** In Harmony with their general purpose and intent (of the zoning regulations) and with due consideration for conserving the public health, safety, convenience, welfare and property values...(in situations 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**...
- 2.) Proof of exceptional difficulty or hardship is required. Courts have found that the need for additional structures is not a legally cognizable hardship.**
- 3.) Variances cannot be personal in nature. Courts have found the need for additional storage to be personal.**
- 4.) Courts have found that no hardship exists in cases where the proposed structure could be located in an alternative, conforming location.**
- 5.) Conditions unique to the subject property can potentially form the basis for a variance but only if they create a legally-cognizable hardship.**

Conclusion:

The Board must consider in determining whether the Applicant has demonstrated a legally-sufficient Hardship to support the Variance Application.

Persons applying for a zoning variance are to complete the attached Application for a Zoning Variance. The Zoning Board of Appeals meets on the fourth Tuesday of every month at 7:00 p.m. in the lower meeting room of the Prospect Town Hall, 36 Center Street. Applications must be complete and submitted to the Land Use Officer at least ten (10) days prior to a scheduled meeting.

A complete application shall consist of the following:

- a. A completed Application form, which shall specify the property address and Assessor’s map and lot number and shall include a legal deed description of the subject premises. The Assessor information is available on line on the Town of Prospect GIS Mapping on the Town website www.townofprospect.org
- b. Deed is available in the Town Clerk’s office or online at US Land records www.uslandrecords.com

- c. If the owner is not the Applicant, the signature of the owner consenting to the Application must be provided on page 7 of this application form entitled “**Consent of Owner**”.
- d. It shall be the Applicant’s responsibility to provide with your application, nine (9) copies of a certified property/boundary A-2 survey, an “As-Built” existing building location survey or other acceptable documents, as deemed by the board, to determine the exact variance required.
- e. If an A-2 Survey “As-Built” is not available for the property within the records of the Land Use Office or the Town Clerk’s Office, then the applicant must hire a Land Surveyor licensed in the State of CT to prepare an A-2 Survey “As-Built” depicting all existing structures which includes accessory structures i.e., sheds, pools etc. with distances from all property lines including the variance needed for the proposed building or structure. The A-2 survey must show existing and proposed building coverage and impervious surface coverage on the property. The height of any proposed principal or accessory structure as determined by the Zoning Regulations must be provided on the survey. This A-2 Survey “As-Built” should also locate any wells, septic tank and fields, public water lines, driveways, inland wetlands. If topography is claimed as a hardship for a variance, then existing and proposed contours must be shown on this A-2 Survey “As-Built”.
- f. If topographic conditions are claimed as a hardship, the Applicant shall submit photographs and nine (9) copies of a topographic survey which clearly details the hardship conditions.
- g. It is the applicant’s responsibility to provide nine (9) copies of all pictures, elevation drawings, floor plans for any structures that are the subject of the variance application.
- h. Such additional evidence as the Board determines is necessary to a decision on the Application.
- i. In addition to all hard copies all applications, reports, site plans, architectural plans, floor plans must also be submitted in a PDF format ten (10) Business days prior to the meeting date via email to mbarton@townofprospect.org for posting on the Town of Prospect website.
- j. The applicant must obtain approval from Chesprocott Health District if the property requesting a variance is served by well and/or septic system. Said approval must be submitted with the application for a variance. Chesprocott Health District, 1247 Highland Drive, Cheshire, CT 06410, 203-272-2761 www.chesprocott.org.

Fees: \$250.00 (Town of Prospect)
 \$60.00 (Town of Prospect) *** Per Section 22a-27j of the CT General Statutes
2 Separate Checks or money orders payable to the “Town of Prospect”. No cash, please.

Zoning Board of Appeals Meeting and Submission Dates and application can be found on the Town of Prospect website www.townofprospect.org Land Use Department -Zoning Board of Appeals.

Submit nine (9) copies of completed application, including required property boundary and/or building location surveys and applicable items to:

Prospect Zoning Board of Appeals C/O Land Use Office
36 Center Street
Prospect, CT 06712

In signing this instruction sheet, you are confirming that you have read and understood the directions and requirements for submitting a variance application to the Prospect Zoning Board of Appeals.

Applicant/Agent Signature

Applicant/Agent Signature

Date

Date

Application #: _____

Zoning Variance Application

(Please Print or Type All Information and Attach Additional Pages as Needed)

Applicants are encouraged to consult with the Prospect Zoning Enforcement Officer when completing this Application.

Date: _____

Applicant's Name:

(last) (first) (middle initial)

Mailing Address:

(number) (road) (town)

Telephone:

(day) (evening) (cell)

EMAIL:

Please print legibly

Agent's Name:

(last) (first) (middle initial)

Mailing Address:

(number) (road) (town)

Telephone:

(day) (evening) (cell)

EMAIL:

Please print legibly

Property Owner's Name:

(last) (first) (middle initial)

Mailing Address:

(number) (road) (town)

Telephone:

(day) (evening) (cell)

EMAIL:

Please print legibly

Send ZBA correspondence to (select one): Applicant Agent Property Owner
Sent via email; please advise if you do not have an email address.

Subject of Variance Property

Address: _____

Zone: _____ Assessor's Map #: _____ Lot #: _____

Deed to Property Recorded In: Volume: _____ Page: _____

Was a previous variance granted for this property? Yes or No, **please circle**

What year was variance granted? _____ What variance was granted? i. e, frontage, setback

etc _____

Year Home Built: _____ Year lot created: _____

Is the property Conforming _____ or Nonconforming _____ with Zoning Regulations? **Please check one**

Lot Dimensions: Width: _____ Depth: _____ Area: _____

Building Coverage "BC" (Maximum 15% of the lot area can be covered with building and structures; open decks are not included in Building Coverage)

Existing BC Sq ft _____

Proposed BC Sq ft _____

Existing BC Sq ft _____ plus Proposed BC Sq ft _____ = Total BC Sq ft _____

Impervious Surface coverage "IMPSC (Maximum 30% of the lot area can be covered by impervious surfaces Which includes buildings, parking lots, loading areas, driveways, patios and walkways)

Existing IMPSC Sq ft _____

Proposed IMPSC Sq ft _____

Existing IMPSC Sq ft _____ plus Proposed IMPSC Sq ft _____ = Total IMPSC Sq ft _____

Height for Detached Garage (Definition – Detached Garage: _____ ft. Shall not exceed 24 feet maximum Height measured from the floor elevation of the garage door to the peak of the roof and must meet the main Building setback in accordance with the underlying zone requirements).

Height for Barn (Definition – Barn: _____ ft. A structure used for agricultural activities as a farm. The term "farm" includes land, principal and accessory buildings used primarily or incidentally for those activities Included under the definition of "agriculture". A structure used by owner or residents with no commercial activities. May be used for the private use by the owner or resident for the storage of animals, feed, hay, equipment, tack and/or Agricultural vehicles. A barn is not intended as a venue for parties or events i.e., picnics, weddings etc. The maximum Height of a barn is 35 ft. The height is measured from the average level of the ground surrounding the building to the Highest point of the building barn).

Height for residential house and/or commercial or industrial building: _____ ft. (The distance measured from the Average level of the ground surrounding the building to the highest point of the building). Maximum height permitted 35 ft.

Existing setbacks side yard Left _____ ft Existing Right yard setback _____ ft

Proposed setbacks side yard Left _____ ft Proposed Right yard setback _____ ft

Existing Rear yard setback _____ ft Existing Front yard setback _____ ft

Proposed Rear yard setback _____ ft Proposed Front yard setback _____ ft

1. List all existing buildings and uses on the lot and the legal basis for each (use “P” for permitted use; “PV” for previous variance; “NCU” for nonconforming use existing at the effective date of zoning regulation or amendment; “O” for other, please explain):

2. The following variance(s) is (are) requested of the Prospect Zoning Regulations:
Section Number Zoning Requirement (please review the Prospect Zoning Regulations)

3. The precise variance sought (for example, “5-foot variance of the rear yard setback to allow a 45-foot rear yard setback”):

4. Reason for variance (for example, “installing a pool”, “building an addition”):

5. The following special conditions and circumstances exist which are unique to the subject property but which do not generally affect the district in which it is situated and which do not result from the actions of the Property Owner:

6. Strict and literal interpretation and enforcement of the Zoning Regulations would deprive the Property Owner of rights commonly enjoyed by other properties in the same district because:

7. Literal enforcement of the Zoning Regulations would result in exceptional difficulty or unusual hardship to the Property Owner because:

8. The variance will be in harmony with the general purpose and intent of the Zoning Regulations because:

The undersigned warrants the truth of all statements contained herein and the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a variance through deception or through inaccurate or misleading information.

Property Owner/Applicant/Agent Signature
****Please circle what applies above****

Property Owner/Applicant/Agent Signature
****Please circle what applies above****

Date

Date

**If the property is owned by more than one person or there is more than one applicant then all Owners/applicants must sign the application. **

If the property is owned by more than one person or there is more than one applicant then all Owners/applicants must sign the application.

The applicant(s) also give the members of the Prospect Zoning Board of Appeals permission to enter onto my/our property at any reasonable time for the purposes of a site visit during the application process.

Property Owner/Applicant/Agent Signature
****Please circle what applies above****

Property Owner/Applicant/Agent Signature
****Please circle what applies above****

Date

Date

CONSENT OF OWNER:

*****If the applicant is not the property owner this sheet must be completed. *****

By signing this Application, I/we hereby give permission to:

_____.
(Write in applicant's name and address above)

To apply to the Prospect Zoning Board of Appeals for the variance(s) requested in this Application for my/our property located at _____, Prospect, CT. **(Write in address of the variance above)**

I/We also give the members of the Prospect Zoning Board of Appeals permission to enter onto my/our property for purposes of a site visit during the application process.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____ 20

Property Owner:

Property Owner:

Signed and delivered in the presence of:

Witness Signature

Witness Signature

Witness: Please Print

Witness: Please Print

STATE OF CONNECTICUT) ss. Prospect
COUNTY OF NEW HAVEN

On this _____ day of _____, 20, before me, personally appeared, _____,
The signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed.

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

STATE OF CONNECTICUT) ss. Prospect
COUNTY OF NEW HAVEN

On this _____ day of _____, 20, before me, personally appeared, _____,
The signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed.

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

* * * * *

For Office Use Only:

Application Submission Date: _____

Application Day of Receipt: _____

Board's Decision on This Application and Date: _____

Revised May 9,2022