

ZONING BOARD OF APPEALS APPLICATION
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070

Application Number: _____

Fee \$ _____

Requested Action (please check appropriate box):

Variance ☐

Appeal Decision of
Zoning Official ☐

Location of Property: _____
(number and street name)

Simsbury Assessor's Map Number _____ Block Number _____ Lot Number _____

Deed Volume Number _____ Page Number _____ (property owner must supply copy of the deed)

Applicant - Please Print the Following:

Name: _____

Address: _____

Email: _____ Telephone: _____

Signature of Applicant: _____ Date: _____

Owner - Please Print the Following:

Name: _____

Address: _____

Email: _____ Telephone: _____

Signature of Owner: _____ Date: _____

Property is in Zone _____ of (applicable section(s) Zoning Regulations _____

Describe the nature of your application, including the amount of variance requested:

Describe the specific hardship:

*This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. **EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE.** One complete set of folded plans, supporting documents, and any correspondence must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.*

NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

WHAT IS A 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 or financial 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”.

[quoted from What's Legally Required by Michael A. Zizka, sixth edition, DEP Bulletin 26]

The Simsbury Zoning Board of Appeals shall not grant a variance to the Zoning Regulations until the Board makes written findings to all of the following criteria:

1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the area;
2. That these special circumstances relate to the condition of the land or parcel;
3. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or the predecessor in title;
4. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;
5. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;
6. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district.
7. That these circumstances justify the granting of the variance,
8. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
9. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

FOR MORE INFORMATION ON THE ZONING BOARD OF APPEALS, REFER TO SECTION 16 OF THE SIMSBURY ZONING REGULATIONS.

IMPORTANT

PLOT PLANS OR SURVEYS

ALL APPLICATIONS SHALL BE ACCOMPANIED BY A COMPREHENSIVE PLOT PLAN DRAWN TO SCALE BY A REGISTERED LAND SURVEYOR, SHOWING THE LOCATION OF ALL BUILDINGS LOCATED ON THE PREMISES. THE PLOT PLAN SHALL ALSO SHOW (DRAWN TO SCALE BY A REGISTERED LAND SURVEYOR) THE LOCATION OF ANY PROPOSED ADDITIONS TO EXISTING BUILDINGS OR THE LOCATION OF ANY PROPOSED SEPARATE BUILDINGS. ALL DETAILS PERTAINING TO THE APPLICATION, INCLUDING ALL DIMENSIONS NECESSARY TO RENDER A DECISION ON THE APPLICATION, SHOULD BE SHOWN ON THE PLOT PLAN.

Prior to a scheduled public hearing for Special Exception Applications, Zone Change Applications, Variance Requests, Appeals of the Zoning Enforcement Officer, or other applications the commission required a public hearing, the following public noticing requirements are:

1. Notice by Newspaper

- In accordance to C.G.S., the Planning Department shall submit notice of the hearing to be published in newspaper having a substantial circulation.
- At a minimum, such notice shall consist of the following:
 - A description of the proposed activity; and
 - Notification of the date, time, and location of the scheduled hearing.

2. Notice by Public Hearing Signs

- The applicant shall post a public hearing sign as follows:
 - The Planning Department staff shall make available a Public Information Notice Sign for the applicant to post on the site to be affected by the application;
 - The applicant shall post the sign in a place visible from the public street or streets and acceptable to staff; and
 - Such sign shall be posted at least 15 days prior to the hearing.
- Prior to the start of the public hearing, the applicant shall file an affidavit with the Commission that said sign had been posted continuously for a period of 15 days prior to the hearing. Where a sign has been removed after posting by persons other than the applicant, the applicant shall obtain an additional sign and repost.

3. Notice to Abutting Lot Owners

- The Planning Department shall notify owners of all properties within 100-feet of the property which is the subject of such an application (including all owners of all individual condominium units) whether inside or outside of Simsbury, of a pending application by mailing through regular mail a notice at least 15 days prior to the first scheduled hearing.
- At a minimum, such notice shall consist of:
 - A description of the proposed activity; and
 - Notification of the date, time, and place of the first scheduled hearing; and
 - Information on how to access a copy of the submitted application.
- The latest records of the Town Assessor shall be considered evidence to determine the owner of each lot.

RULES AND PROCEDURES THE SIMSBURY ZONING BOARD OF APPEALS

1. **MEETINGS**: Regular meetings of the Board shall be held on the fourth Wednesday of the month except for those days where the fourth Wednesday falls on a holiday. Special meetings shall be held when unusual circumstances warrant. Meetings shall begin at 7:00 p.m. and run no later than 11:00 p.m., unless extended by the Board. An annual schedule of meetings will be reviewed and adopted by the Board and filed with the Town Clerk in accordance with Connecticut General Statutes.
2. **APPLICATIONS**: All applications shall be filed in the office of the Town Planner no later than 19 days prior to the date of said hearing. Applications shall be submitted on forms provided by the Board. The application shall be made in the name of the owner as the name appears in the Simsbury Land Records. If the applicant is other than the owner, the name of the applicant shall also be shown and the interest of the applicant shall be stated. The application shall be signed by the owner. An application may be withdrawn at any time.
3. **PLOT PLANS OR SURVEYS**: All applications shall be accompanied by a comprehensive plot plan drawn to scale by a registered land surveyor, showing the location of all buildings located on the premises. The plot plan shall also show (drawn to scale by a registered land surveyor) the location of any proposed additions to existing buildings or the location of any proposed separate buildings. All details pertaining to the application, including all dimensions necessary to render a decision on the application should be shown on the plot plan.
4. **FEE**: All applications shall be accompanied by a fee payable to the Town of Simsbury in accordance with the Fee Schedule Ordinance established by the Board of Selectmen.
5. **PUBLIC HEARING**: Public Hearings shall commence within sixty-five days after receipt of applications, and shall be completed within thirty days after such hearing commences. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing. The applicant may consent to an extension, provided that the total extension shall not be for longer than the original periods specified above.
6. **PRESENTATION**: All applications are required to be presented at a public hearing. The applicant or his representative shall orally explain the application to the Board. The applicant may introduce any exhibits he feels will be helpful to the Board, including, but not limited to photographs, site plans, letters from neighboring property owners, traffic studies or models. After the applicant has made his presentation, any Board member or alternate may ask questions dealing with the application. Thereafter, anyone wishing to speak in favor of or in opposition to granting the application, or ask questions, may do so. Any further discussion will be at the discretion of the Board. All questions or discussions with the applicant will be directed through the Chairman. The Chairman shall state when the public hearing has ended.
7. **QUORUM**: Four (4) members shall constitute a quorum at any public hearing.
8. **VOTE**: No variance or appeal will be granted by less than an affirmative vote of four (4) members or alternatives.
9. **PRESENCE AT HEARING**: The applicant or his representative must be present at the hearing or the hearing will be continued to the next meeting, if it occurs within 30 days. Otherwise the hearing shall be closed, unless the Board calls a special meeting.
10. **TABLING**: When only four (4) members or alternates are present at the hearing, the applicant may request that the application be continued to the next scheduled meeting.
11. **POSTPONEMENT OR CONTINUATION**: An applicant may request a postponement of a scheduled hearing if a request is made prior to the date of publication of the first legal notice, or may request a continuance of the public hearing after it has been opened.

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12. **DECISIONS**: The applicant shall present to the Board the conditions especially affecting the land or structure for which the variance is sought. The conditions must relate to such land or structure and not to the personal or financial circumstances of the applicant. The conditions must be such that a strict enforcement of the Zoning Regulations present a hardship to such land or structure, which hardship deprives the applicant of a reasonable use of such land or structure. The applicant must show that the conditions do not generally affect the area in which such land or structure is situated and have not resulted from any act of the applicant or his predecessor in title subsequent to the enactment of the requirements of the Zoning Regulations. The applicant must show that the granting of the variance will not be detrimental to public health, safety, convenience, welfare, and property values. In approving an application, the Board may require such restrictions and conditions that the Board feels are necessary to meet the above criteria. All decisions of the Board are made at a public meeting.
13. **NOTIFICATION**: Applicants will be notified of the Board's decision by certified mail. If the Board has approved an application for a variance, the applicant will receive a Certificate of the decision signed by the Secretary of the Board.
14. **EFFECTIVE DATE**: A variance or decision of the Board will not become effective until 15 days after the decision has been published in a newspaper having a general circulation. The applicant is also required to record his Certificate in the Simsbury Land Records in the office of the Town Clerk. It is recommended that no building permit be issued by the Building Inspector until the above conditions are satisfied.
15. **RE-SUBMISSION**: The Board is not required by the Connecticut General Statutes to hear any application for the same variance or substantially the same variance for a period of six months after a decision. A resubmitted application may be heard sooner than 6 months at the Board's discretion.
16. **WAIVER OR AMENDMENT OF RULES**: These rules may be waived or amended at any regular or special meeting of the Board by affirmative votes of at least four (4) voting members. A copy of these rules any amendments shall be filed in the office of the Town Planner and copies shall be provided to applicants.
17. **APPEALS FROM RULINGS**: An appeal may be taken by any persons aggrieved by a decision of the Board in accordance with Connecticut General Statutes.
18. **CONNECTICUT GENERAL STATUTES**: All applicable Connecticut General Statutes are made part of these rules. Should any amendments or new statutes conflict with these rules, the requirements of the Connecticut General Statutes will take precedence.

ADOPTED: September 15, 1981
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