

# ZONING BOARD OF APPEALS APPLICATION

Town of Westbrook



ZBA Appeal No.

Land Use Department ◆ Mulvey Municipal Center, 866 Boston Post Road, Connecticut 06498 ◆ (860)-399-3047 Fax (860)-399-2084

ZBA App. Fee \$\_\_\_\_\_/Ck. #\_\_\_\_\_ ◆ CAM App. Res \$\_\_\_\_\_/ Com \$\_\_\_\_\_/ Ck. #\_\_\_\_\_ ◆ DEP \$60.00 /Ck. #\_\_\_\_\_

1) Complete the following information on the subject property:

ADDRESS OF SUBJECT PROPERTY (street & number) \_\_\_\_\_

⇒ Map #'s \_\_\_\_\_ Parcel #'s \_\_\_\_\_ Parcel Area (acres) \_\_\_\_\_ Zone District(s) \_\_\_\_\_

⇒ Is this a legal non-conforming lot of record?  Yes  No If yes, please attach copy of deed.

⇒ Property is served by: [CHECK ONE]  private well  public water  septic system

⇒ Are there wetlands on or adjacent to the property? ⇒ Tidal (within 50 ft.?) \_\_\_\_\_ ⇒ Inland (within 100 ft.?) \_\_\_\_\_

⇒ Is a Coastal Area Management (CAM) Application applicable?  Yes  No

⇒ If applicable, please indicate the Beach Association \_\_\_\_\_

⇒ Is the property within 500' of an adjoining municipality?  Yes  No

⇒ Has any previous appeal been heard regarding the same parcel of land?  Yes  No If yes, list:

Appeal No. \_\_\_\_\_ date \_\_\_\_\_ Appeal No. \_\_\_\_\_ date \_\_\_\_\_ Appeal No. \_\_\_\_\_ date \_\_\_\_\_

2) Application for a public hearing is hereby submitted for: [CHECK ONE OR MORE]

**VARIANCE** - request a variance from specific requirements of the zoning regulations

**USE VARIANCE** - request a variance from the uses permitted by the zoning regulations

a) to permit what use or activity? \_\_\_\_\_

b) please explain why the public interest would be best served by permitting this use at the proposed location? \_\_\_\_\_

c) please explain why the public interest cannot be reasonably served by the current lawful use of lands within or outside the current zoning district? \_\_\_\_\_

**REVERSAL OF ZEO's DECISION** - appeal an order, requirement or decision of the zoning enforcement official

Was a Cease & Desist Order Issued?  Yes Date \_\_\_\_\_  No

**LOCATION APPROVAL** - request a location approval for Motor Vehicle Dealer's license for ⇒  gasoline station

repairer license  new car dealer license  limited repairer license  used car dealer

3) Under what section(s) of the Westbrook Zoning Regulations is this appeal based?

- Section No. \_\_\_\_\_ Feet Required \_\_\_\_\_ Feet Requested \_\_\_\_\_
- Section No. \_\_\_\_\_ Feet Required \_\_\_\_\_ Feet Requested \_\_\_\_\_
- Section No. \_\_\_\_\_ Feet Required \_\_\_\_\_ Feet Requested \_\_\_\_\_
- Section No. \_\_\_\_\_ Feet Required \_\_\_\_\_ Feet Requested \_\_\_\_\_
- Other \_\_\_\_\_

(Cont'd on back)

4) Describe exactly what is being appealed or requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) In the case of a variance, what specific hardship is being claimed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please Print

6) Applicant Name: \_\_\_\_\_ Tel: \_\_\_\_\_ Cell: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

7) Owner of property: (if not applicant) \_\_\_\_\_ Tel: \_\_\_\_\_ Cell: \_\_\_\_\_  
Owner Address: (mailing) \_\_\_\_\_

8) Agent/Contact Person \_\_\_\_\_ (Note: the contact person is the representative of the application who will receive Agendas, Legal Notices and associated correspondence)

Mailing Address: \_\_\_\_\_  
(number & street) (City/Town) (State) ( Zip Code)

Tel: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

9) Submittal Requirements - **Eight** sets of complete applications, including all plans. (see #9 on attached guidelines for additional details)

10) It is the applicant's responsibility to notify the abutting landowners within 200 feet by Certified Mail. A copy of the Legal Notice will be provided for mailing. (see #10 on attached Guidelines for additional requirements).

11) It is understood by the applicant that anyone permitted by state statute may appeal the decision of the Board within fifteen (15) days of the publication of the notice of said decision.

It is further understood that it is the applicant's responsibility to obtain any and all other permit or approvals required under local, state or federal law prior to the start of any construction or use authorized by the decision of the Board.

12) Site Plan reviewed by Westbrook Sanitarian \_\_\_\_\_  
(Signature) (Date)

13) I hereby certify that all of the above statements and additional documentation provided with the application are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
OWNER'S SIGNATURE (if not applicant) DATE APPLICANT/AGENT SIGNATURE DATE

Reviewed by:

\_\_\_\_\_  
Signature of Zoning Enforcement Officer Date

[Effective 12-13-10]

# WESTBROOK ZONING BOARD OF APPEALS

## APPLICATION GUIDELINES

- An application fee shall accompany each appeal and/or variance request. Such fee shall be paid by check or money order, payable to the “Town of Westbrook” and shall be used to defray the costs of publication of the required legal notices. There is also a \$30 State DEP fee. If a CAM application is required, there is an additional fee.
  - A complete application must be submitted to the Land Use Office 30 days before the Zoning Board of Appeals meeting, which is held on the 4<sup>th</sup> Wednesday of the month except when changed for holidays.
  - It is the owner's, applicant's, or agent's responsibility to research and provide the information requested on the application.
- 1) Some of the information in the framed block (#1) may be obtained in the Assessor's Office (property card) and/or Town Clerk's Office (Deed of Title and recorded maps, if any). Additional wetland and coastal information may be available in the Land Use Department. Properties located within the Coastal Area Management boundary must be accompanied with a CAM Application as set forth in the Connecticut General Statutes 22a-105 through 22a-109. The coastal area boundary is shown on the Zoning Map in the Land Use Office. For Inland, Tidal Wetlands and other coastal resources, the Land Use Office has maps that indicate approximate locations. You may be required to obtain a certification from a land use professional to determine exact flood zone elevations.
  - 2) If you are seeking a variance, a hardship must be claimed for the application to be considered by the Zoning Board of
    - that there are special circumstances or conditions applying to the land and do not apply generally to land or structures in the neighborhood, or in the district at large, and have not resulted from any act subsequent to the adoption of the Regulations whether in violation of the provision hereof or not;
    - that the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the Regulations would result in exceptional difficulty or unusual hardship;
    - that the variance granted is the minimum variance that will alleviate the circumstances and conditions applying to the land or structure for which the variance is sought, and
    - that the granting of the variance will be in harmony with the purpose and intent of the Zoning Regulations; will accomplish substantial justice; and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

LOCATION APPROVAL – If you are seeking approval of a site for a new or used car dealership, a site plan is required.
  - 3) Determine the section(s) being appealed from the Westbrook Zoning Regulations. Copies are available in the Land Use
  - 4) If the description of your proposed appeal is detailed, please attach a “Statement of Use”.
  - 5) The hardship cannot be solely economic but must relate to specifics of the property. See notes under Number 2 above.
  - 6) Please print name of applicant and contact information.
  - 7) Please print name of owner (if not applicant) and contact information.
  - 8) If there is an agent; i.e., attorney, engineer, contractor, representing the applicant, all contact information must be completed. This representative will be the individual who is contacted for any additional information and receives all pertinent agendas and notices related to the application.
  - 9) All applications shall include the following requirements (Zoning Regulation Section 12.21.01), except as may be waived, in whole or in part, by the ZBA:
    - Plans prepared by a professional engineer, architect or land surveyor, registered and/or licensed to practice in the State of CT, drawn to a scale of not less than forty (40) feet to the inch.
    - The plans must include: Title block, north point, numeric and graphic scale, location map, seal of the plan preparer and signature, street address, assessor's map, block and lot number, and all revision dates.
    - Boundaries of the property certified to a State of CT Class A-2 Survey standard (Effective 8-5-98)
    - Architectural drawings done to a scale of not less than one-quarter (¼) to the foot of all proposed buildings, additions, structures, including general exterior elevations.
    - Location of all existing and proposed buildings, additions, structures, walls, fences, building setback lines, building height, property size, frontage, septic system and landscaping.
    - Location and extent of inland wetlands, tidal wetlands, watercourses, coastal resources and water bodies.

**The original application form and 8 sets of supporting documentation and plans must be submitted to the Land Use Office 30 days before the Public Hearing, or by the submittal cut-off date provided by the ZEO. Applications shall include any other additional supporting information as may reasonably be asked for by the Zoning Board of Appeals.**

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- 10) The applicant must provide a list of names and addresses of any landowners abutting or within two-hundred (200) feet of the subject property (Section 12.21.02) as shown on the most recent records on file in the Tax Assessor's Office. In addition, if a property is located in a beach/landowner association, the name and address of the President of the association shall be included in the list. The applicant must mail notification (copy of Legal Notice of the meeting, which will be mailed to the Agent) of said pending application to the owner of each of the properties, not more than 15 days, but not less than 10 days before the date scheduled for the Public Hearing. Evidence of such mailing, in the form of U.S. Post Office Certified Mail,
- 11) The publication of the final decision shall be provided to the Agent.
- 12) It is the applicant's or their engineer's responsibility to provide to the Sanitarian, a complete site plan depicting the sanitary sewage disposal design and location. Sufficient time should be considered for health department approval.

If administrative staff assists the owner, applicant or agent to complete this application, no responsibility is assumed for correctness.

**NOTE:** Once a variance is granted, the Applicant must file the Decision (provided by this Office) on the Land Records in the Town Clerk's office. Please check with the Town Clerk's Office for the cost of the filing fee.

# Town of Westbrook GIS Request Form

**All information must be filled out in order for your request to be processed.**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No. \_\_\_\_\_ Cell No. \_\_\_\_\_ Email \_\_\_\_\_

Property Location for which you are requesting information: \_\_\_\_\_  
\_\_\_\_\_

(Number & Street)

Unique ID # of Property: \_\_\_\_\_ Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Property information being requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I certify that I am the owner of the above property or his agent.**

\_\_\_\_\_ Date \_\_\_\_\_

**Fee: \$15.00 per printed page \_\_\_\_\_ [total pages \_\_\_\_ paid \_\_\_\_\_]**

DISCLAIMER: Please be aware that the information provided to you from the Westbrook Land Use Geographical Information System (GIS) is the best available at this time. There may be discrepancies with actual field conditions due to limitations of scale, quality of base mapping, difficulties with rectifying differing map projections, need for updating of information, and other factors. THIS MAP IS PROVIDED TO YOU AS A COURTESY SERVICE. IT IS NOT A SUBSTITUTE FOR A SURVEY PREPARED BY A LICENSED LAND SURVEYOR, NOR IS IT TO BE CONSIDERED AN EXACT REPLICA OF REALITY.

**Office Use Only:** Initials of person providing information: \_\_\_\_\_

Public Water Supply Watershed or Aquifer Areas  
Project Notification Form

Requirement:

All applicants before a municipal Planning and Zoning Commission, Inland Wetland Commission or Zoning Board of Appeals for any project located within a public water supply aquifer or watershed area are required by Sections 8-3i and 22a-42f of the CT General Statutes to notify the Connecticut Water Company by certified mail within 7 days of the date of the application.

General Information:

1. Location map of the project site (please show enough information to locate site).
2. Site plans including soil erosion and sediment control plan which have been submitted to the town commission for review.
3. Project address \_\_\_\_\_
4. Total acreage of project site \_\_\_\_\_
5. Existing land use \_\_\_\_\_
6. Project description (include all proposed uses) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Acreage of area to be disturbed including structures, additions, paving, and soil disturbance  
\_\_\_\_\_  
\_\_\_\_\_
8. Type of sanitary system (circle one) septic system – public sewer – other – none  
If other please specify \_\_\_\_\_
9. Number of existing or proposed floor drains and their point of discharge e.g. sanitary sewer, holding tank or ground \_\_\_\_\_  
\_\_\_\_\_
10. Water accessed by (circle one) private well – public water – other – none  
If other please specify \_\_\_\_\_
11. Distance of site disturbance to nearest watercourse or wetland \_\_\_\_\_  
\_\_\_\_\_
12. Brief description of existing or proposed storm water management system, including roof drainage, paved areas, etc., and discharge points e.g. municipal sewers, drywells, streams, vegetated areas, detention basins, etc.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Type of heat for facility \_\_\_\_\_

14. List of existing and proposed underground or above-ground storage tanks including age, capacity and contents \_\_\_\_\_

\_\_\_\_\_

15. List of potentially harmful chemicals stored or used on property (existing and proposed) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, pesticides, etc.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Describe any wastes generated and their means of disposal \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17. Date application will be heard by Planning and Zoning Commission \_\_\_\_\_

18. Date application will be heard by Zoning Board of Appeals \_\_\_\_\_

19. Date application will be heard by Inland Wetlands Commission \_\_\_\_\_

20. Name, address and telephone number of contact person for the project

\_\_\_\_\_

\_\_\_\_\_  
Name of person completing form

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date