

**ZONING BOARD OF APPEALS
GRANBY, CONNECTICUT**

APPLICATION FOR VARIANCE OR EXCEPTION TO THE ZONING ORDINANCE REQUIREMENT

Case No. _____ Date _____

Applicant _____ Address _____

Phone /Cell # _____ Email _____

Location of property _____ Zone _____

Owner _____ Address/Phone/Cell _____

Agent _____ Address/Phone/Cell _____

CLEARLY STATE THE REQUEST _____

Reason for request/hardship _____

Zoning Regulation, Section and Requirement _____

Describe construction and materials to be used (if any) _____

Has any previous appeal been filed in connection with these premises? _____

If so, when, and what was the appeal taken? _____

I hereby state that the above statements and information contained in any other papers submitted in connection with this application are true.

Signature of Applicant/Owner or Agent

*This application shall be submitted with 8 copies of plot plans, drawn to scale, and any other information, as may be requested by the Zoning Board of Appeals.

*A fee of \$260.00 is required for this application. (Town fee \$200 and State fee \$60).

**RULES AND REGULATIONS
OF THE
GRANBY ZONING BOARD OF APPEALS**

The Building office will supply the forms and instructions to the applicant:

The Town Managers Office types the legal Notice, and then sends it to the newspaper, notifies committee members, alternate committee members, applicant and adjoining property owners.

1. **Meetings:** Regular meetings of the Board shall be held on the 3rd Tuesday of the month. Special meetings shall be held in accordance with State Statutes and only when unusual circumstances warrant the holding of such meetings.
2. **Applications:** All applications shall be filed in the Office of Community Development, no later than the last day of the month in order to be in time to be heard on the 3rd Tuesday of the following month. Applications shall be submitted on forms provided by the Office of Community Development. The applications shall state the nature of the request. The application shall be made in the name of the owner as the name appears in the Granby 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 also be stated.
3. **Plot Plans or Surveys:** All applications shall be accompanied by eight comprehensive plot plans drawn to scale by a registered land surveyor, showing the location of all buildings located on the premises. The plot plans shall also show the location of any proposed additions to existing buildings or the location of any proposed separate buildings. The plot plan or survey need not be updated, provided it shows the premises as they exist at the time of the application. The board may accept an alternative drawing where the Board determines that such drawing is sufficient to make a proper decision.
4. **Title Document:** All applications shall be accompanied by a copy of the title to the subject property. The copy must show the volume and page at which the title document is recorded in the Granby Land Records.
5. **Fee:** All Applications shall be accompanied by a fee of one hundred five (\$155). (Town fee \$95.00 and State fee \$60.00).
6. **Photographs:** The applicant may offer photos as exhibits at the time of the hearing. Photographs should show the proposed location of additions or new buildings taken from various angles.
7. **Postponement:** No hearing will be postponed after it has been duly advertised and notices have been sent in accordance with State Statutes.
8. **Tabling:** An applicant may request that eh application be tabled when only (4) members or alternates are present at the hearing and the applicant wants the application to be heard by a full Board of five (5).
9. **Presence at Hearing:** The owner, applicant or their attorney or authorized agent must be present at the hearing or the application will not be heard.

10. **Vote:** No variance, special exception or appeal will be granted by less than an affirmative vote of four (4) members or alternates sitting in place of a member or members.
11. **Rehearing:** No application, which has been heard and decided, will be reconsidered, within six (6) months, upon the same or similar matter. A new application may be heard where the requested relief is substantially different than the original application.
12. **Waiver of Rules:** These rules may be waived at any regular or special meeting of the Board by the consent of the entire board.
13. **Filing of Rules:** A copy of these rules and any amendments shall be available in the office of Community Development and copies shall be provided to the public as requested.
14. **Appeals From Rulings:** An appeal taken by any person aggrieved by a decision of any officer, department or board in accordance with State Statutes must be filed within thirty days of the decision complained of by the aggrieved person by filing with officer, department or board rendering said decision a copy of the appeal and try filing within the same thirty days an application with the Zoning Board of Appeals.
15. **Filing of Applications:** All applications and accompanying documents shall be filed in the Office of Community Development.
16. **Connecticut General Statutes:** All applicable Connecticut General Statutes are made part of these rules.

EXPLANATION OF EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP

In accordance with Connecticut General Statute Section 8-6 and the Granby Zoning Regulations, Section 10.3, the Granby Zoning Board of Appeals has the power to:

“Determine and vary the application of the Zoning Regulations 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 regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.”

It should be understood that exceptional difficulty or unusual hardship must be established in order for a variance to be granted and that the applicant has the burden of proving the difficulty or hardship. In fact, the ZBA is required under Connecticut General Statutes Section 8-7, to describe specifically the exceptional difficulty or unusual hardship on which the variance is based.

Please note that financial loss or gain has been repeatedly dismissed as a basis for a claim of hardship. Nor will the inability to use the property at its maximum potential or for a higher and better use, meet the test for a variance. Also, extensively remodeling a structure without realizing the work was illegal under the Zoning Regulations is nothing more than a financial hardship and typically not satisfactory for a variance.

The hardship that will support a variance cannot result from the owner's personal situation or actions and the hardship can't be self created, but must arise from the Zoning Regulations. For example, ill health which prevents an owner from caring for a large property unless it is divided into smaller lots that the minimum area in the zone may be a hardship, but it is one that is personal to the owner and does not result from the application of the Zoning Regulations to the land.

A common situation involving self-infliction or personal hardship is where an owner proceeds with construction work ignoring Zoning Regulations such as set back requirements. In this case since the requirement existed prior to the owners contrary conduct, the hardship is self-inflicted and therefore invalid.

Where the claimed hardship arises from the applicant's voluntary act, the ZBA lacks the power to grant a variance.

A valid hardship or exceptional difficulty will typically be unique to the particular property. A situation where wetlands or steep slopes limit the placement of a home on an existing lot in strict conformity with the regulations is typically a valid hardship.

In conclusion, all applications must identify the exceptional difficulty or unusual hardship on the application form. Without a valid hardship the ZBA lacks the power to grant the request.