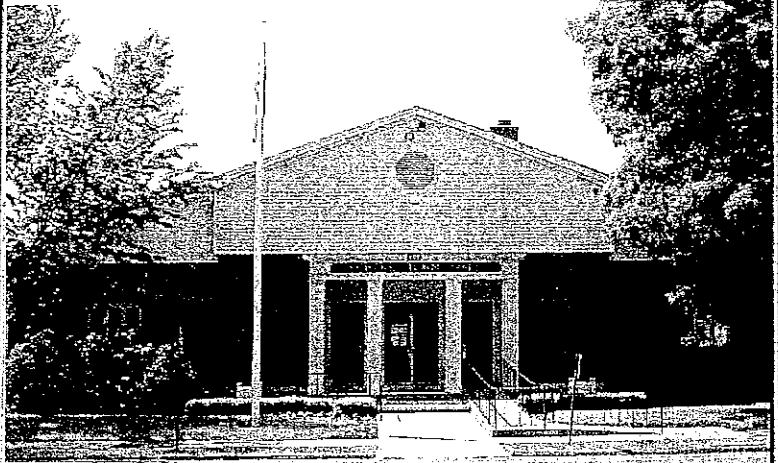


APPLICANT GUIDE



ZONING BOARD of APPEALS

SOMERS, CT

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NOTE:

This guide is a brief summary of the zoning variance process in the Town of Somers, and is intended for informational purposes only. Applicants are encouraged to refer to the Somers Zoning Regulations and discuss their individual situation with the Town Planner. The Somers Planning Office is located in the Somers Town Hall, 600 Main Street, Somers, CT 06071.

Telephone: (860) 763-8218 Fax: (860) 763-8228

APPLICANTS GUIDE

APPLYING FOR A VARIANCE OF THE SOMERS ZONING REGULATIONS

What is a Variance?

A variance may be granted to certain provisions of the Somers Zoning Regulations.

The Zoning Regulations are the municipal laws governing the use, location, height and bulk of the land and structures within the Town's districts. The regulations consist of a map showing zoning districts and a list of regulations.

If you believe that the regulations create a hardship on your property, you can request a variance to a specific provision of the regulations.

This guide is intended to explain the process of applying for a variance and when a variance may be considered reasonable by the Town.

Items of Interest

- ◆ The Somers Zoning Board of Appeals(ZBA) consists of five (5) permanent and three (3) alternate members.
- ◆ Any member may excuse himself/herself in case of any conflict of interest.
- ◆ A minimum of four (4) yes votes are needed to approve any application.
- ◆ The Zoning Board of Appeals application fee is currently \$175.00 per appeal.
- ◆ We recommend obtaining or reviewing a copy of the Somers Zoning Regulations in the Town Clerk's Office.
- ◆ The Zoning Board of Appeals meets the 2nd Tuesday each month at 7:30 P.M. at the Somers Town Hall for any scheduled hearing. Otherwise the Board will meet at least quarterly for a business meeting.
- ◆ Meeting legal notices are published in the Journal Inquirer on the two prior Fridays preceding the hearing.
- ◆ A vote on an application may or may not take place the night of the hearing. The ZBA has sixty-five (65) days to make a decision from the date of the hearing.
- ◆ Interested parties have fifteen (15) days to appeal a decision after the notice has been published in the Journal Inquirer newspaper, usually the Friday of the following week.
- ◆ Anything not specifically permitted is not allowed. In all cases the Somers Zoning Regulations, in effect at the time of the Board's decision, shall take precedence.

Why do I need a Variance?

- ✓ A desire to do something not covered by the Zoning Regulations.
- ✓ To prevent the illegal use of land.
- ✓ To appeal a cease and desist order issued by the Zoning Enforcement Officer.
- ✓ To remedy other violations of land use statutes.

Defining our terms

★ **Accessory Building**

A secondary building (such as a garage or shed) of a property.

★ **Applicant**

The person who files an application to the Zoning Board of Appeals.

★ **Coverage**

The percentage of a lot occupied by all the buildings or structures located thereon.

★ **Plan**

A survey drawn by a professional, or your sketch of the property drawn to scale, clearly showing the parcel boundaries, existing improvements and any proposed construction including elevation details.

★ **Principle building or use**

The main building or use occupying the property, such as a house or commercial building.

★ **Public hearing**

A meeting of the Zoning Board of Appeals advertised in advance, at which time the applicant presents his request to the Board and where the public is invited to listen and comment.

★ **Yard**

A required open area of each lot between its property boundary and the required building setback lines. There are front, side and rear yards for each lot, except for corner lots.

★ **Zoning Board of Appeals**

A board consisting of five (5) members and three (3) alternates appointed by the Board of Selectmen to hear appeals and to grant a variance of the Zoning Regulations as it affects a particular parcel of land.

When can a Variance be granted?

◆ Granting a Variance

A variance can be granted where such granting will not affect the overall purpose of the Zoning Regulations, and where strict interpretation of the regulations will result in a hardship.

◆ Purpose of Zoning Regulations

The Board must find that the granting of the variance can be done without materially impairing the Zoning Regulations as a whole, that the variance is in harmony with the purpose of the regulation and that the strict interpretation of the regulation is unnecessary to carry out the general purpose of the zoning plan.

◆ Hardship

The Zoning Board of Appeals **must find that a hardship exists.** A hardship exists when the Zoning Regulations uniquely affect a parcel of land differently from other properties and where use of the property or reasonable use of the land would be impossible without the variance. **Self-imposed or financial hardships cannot, by law, be considered as a reason for granting a variance.**

◆ Affirmative votes required

Connecticut courts have held that variances should be granted sparingly in order to protect the integrity of the Zoning Regulations. In particular, state law requires a minimum of four (4) votes of the five (5) person Board in order to grant a variance.

What do I need to apply?

◆ **Application**

A completed application must be submitted to the Zoning Board of Appeals. Applications are available in the Town Clerk's Office in the Town Hall. The form must contain the signature of the applicant, address and telephone number; please include a convenient time to reach you.

◆ **Deed**

A copy of the deed showing that you own the property or a copy of a contract or lease agreement showing that you have some legal interest in the property.

◆ **Plan**

A survey drawn by a professional, or your sketched plan clearly drawn to scale, showing existing conditions such as buildings, septic tanks, leach fields, parking areas, driveways, etc., and showing the proposed construction or alterations requiring the variance. Three (3) copies minimum must be submitted. Photographs are helpful to illustrate your application.

◆ **Filing Fee**

A \$175.00 non-refundable fee, which is used to partially defray the cost of legal advertising, is required.

What happens at the public hearing?

- ◆ **The meeting is called to order and the legal notice is read**

The Secretary of the Board will read the legal notice description of your request.

- ◆ **Open hearing and presentation of your request**

You and/or your representative come before the Board to present your request. Bring anything that will help you explain your application: photographs, maps, plans, slides, etc. You should clearly state the explanation of the hardship you are claiming.

- ◆ **Questions by the Board**

The Board may ask you questions at any time to help them fully understand your request.

◆ **Comments by the public**

Following your presentation, the chairman will ask any interested persons if they wish to speak in favor of or in opposition to the application. You are given an opportunity to provide a final comment.

◆ **Motion to close the hearing**

After the information is heard, the Chairman will request a motion to close the hearing. After this point, no further comments or information from the applicant or the public is permitted. You may stay for the discussion and business meeting if desired.

◆ **Decision**

After all public hearings are concluded, the Board will discuss and consider each application. Usually a decision will be made on each request on the same night the public hearing is held; however, the Board does not have to make a decision until 65 days following the date of the hearing.

Variance Application Process Summary

Submit complete application and plans to the Town Hall.

Legal notice is published by the Town.
You are notified by mail.

Abutters are notified by mail as a courtesy.

Public hearing held at the Somers Town Hall.

Decision is made by Zoning Board of Appeals.

The decision is filed with the Town Clerk.
You obtain appropriate permits.

Questions and Answers

1. How long does the process take?

The variance process typically takes two to six weeks. Continuances requested by the applicant or desired by the Board can lengthen the process.

2. How long is the variance valid?

Once granted, and after the decision is filed in the land records, the variance is permanent and stays with the property.

3. Can variances be transferred?

Variances are granted to properties, not owners. Therefore, when a property is sold, the rights granted by the variance remain with the property.

4. Who can apply for a variance?

Anyone who owns or who has legal interest in real property can apply for a variance for that property.

5. If denied, can I reapply?

The Board does not have to hear a request for the same, or substantially the same, variance for a period of six months from the date of its earlier decision.

6. Can the Board's decision be appealed?

A decision may be appealed to the Superior Court within fifteen (15) days following the publication of the legal notice of the Board's decision.

7. How do I appeal a Zoning Enforcement Officer's decision?

An appeal from a decision must be in writing and submitted within 30 days of the Zoning Enforcement Officer's determination.

What happens after approval?

◆ Filing the decision

A copy of the Board's decision will be sent to you by certified mail. When you submit the required filing fee of \$43.00, a certified copy of the variance will be filed in the land records for you in the Town Clerk's Office.

◆ Building permit

After variance approval you must determine if any other approvals are required. Once you have satisfied all these other requirements, contact the Building Inspector to obtain any necessary building permits.

Where to go for further information

◆ Land Use Office

Prior to filing an application, it is recommended that you review your request and the procedure with the Town Planner. Copies of residential plot plans, zoning maps and wetland maps can be found in the Land Use Office. Also, information concerning the Building Code can be discussed with the Building Inspector. Other information regarding utilities, drainage or driveway locations can also be obtained in this office.

◆ Town Clerk's Office

Obtain a Zoning Board of Appeals application form, Applicant's Guide and information from the Town Clerk's Office. In this office you can obtain a copy of your deed and other information regarding your property, such as easements.

ZONING STANDARDS FOR DISTRICTS

The following standards shall apply to all buildings, structures and uses in each applicable district.

	Single-family Residence		Two-family Residence		Business	Industrial
	A	A-1	A-1	A-1		
Maximum height (feet)						
Primary Building	35	35	35	35	35	40
Accessory Building	20	20	20	35	35	40
Maximum height (Stories)						
Primary Building	2 ½	2½	2½	2	2	2
Accessory Building	2	2	2	2	2	2
Maximum lot Coverage (Percent)						
Primary Building	25	25	25	60	60	60
Minimum floor Area (square feet)						
1 story structure	1,550	1,200	1,150 per unit			
2 story structure			1,150 per unit			
Ground floor	1,200	850				
Total Floor Area	2,000	1,500				

ZONING STANDARDS FOR DISTRICTS

The following standards shall apply to all buildings, structures and uses in each applicable district.

	Single-family Residence		Two-family Residence	Business	Industrial
	A	A-1	A-1		
Lot area (square feet)	40,000	40,000	80,000	40,000	60,000
Contiguous Building Area (square feet)	40,000	40,000	80,000	40,000	60,000
Lot frontage (feet)	175	175	300	75	200
Minimum Front Yard (feet)	50	50	50	25	35
Minimum Side Yard (feet)					
Primary Building	25	25	25	10	20
Accessory Bldg.	25	25	25	10	20
Parking Area	10	10	10	10	20
Minimum Rear Yard (feet)					
Primary Bldg.	40	40	40	30	40
Accessory Bldg.	25	25	25	30	40
Parking Area	10	10	10	30	40