

**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: \_\_\_\_\_

Applicant's Interest in Property: \_\_\_\_\_

Record Owner of Property: \_\_\_\_\_  
(print name & address of owner)

\_\_\_\_\_  
(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.** Six complete sets of folded plans and eleven copies of the completed and signed application, 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]

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The Simsbury Zoning Board of Appeals shall be guided by the following standards in determining whether a request for variance shall be granted:

1. The applicant shall demonstrate that exceptional shape, size, topography or other unique characteristics of the site requires a variance from the literal enforcement of the Zoning Regulations.
2. The exceptional difficulty or unusual hardship claimed shall not have been created by the owner or the person or persons requesting the variance.
3. The variance requested shall not adversely affect the neighborhood and shall be in harmony with the purpose and intent of the Zoning Regulations.
4. The application shall be for the least number of variances possible.
5. The applicant shall show that there is no reasonable alternative other than to grant the requested variance(s).
6. The requested variance(s) shall not permit on a site any use to exist or to be created which use is not already permitted by right as set forth in the Zoning Regulations for that zone.
7. No variance to the Zoning Regulations shall be granted that is conditioned on an approval by another Board or Commission.
8. No variance shall be granted that will continue or expand a non-conforming use.

**FOR MORE INFORMATION ON THE ZONING BOARD OF APPEALS, REFER TO ARTICLE 12 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.**

**ZONING AMENDMENT NUMBER**  
**Approved at Public Hearing on August 3, 1988**

**Purpose:** The purpose of the amendment is to require that a sign be posted to give public notice prior to a public hearing on an application to develop a site.

Amend Article Eleven "Administration"  
 Add New Letter E

E. Public Information Notice Sign

Whenever an application filed with the Zoning Commission requires a public hearing, the Applicant shall display a Public Information sign on the site giving notice that an application is pending before the Zoning Commission. The sign shall be in a manner and form as prescribed by the Commission and be provided by the Commission to the Applicant. It shall be displayed in a highly visible place at each location in the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the Applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are to be removed within seven (7) days following the close of the public hearing. The Applicant, at the public hearing, shall supply the Commission with an affidavit certifying that the Public Information Notice sign has been placed for the period specified.

Amend Article Twelve "Board of Appeals"  
 Letter C - Add Number 3

Add New: Article Twelve "C Procedure"  
 New Number 3

3. Public Information Notice Sign

Whenever an application filed with the Zoning Board of Appeals requires a public hearing, the Applicant shall display a Public Information sign on the site giving notice that an application is pending before the Zoning Board of Appeals. The sign shall be in a manner and form as prescribed by the Commission and be provided by the Commission to the Applicant. It shall be displayed in a highly visible place at each location in the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the Applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are to be removed within seven (7) days following the close of the public hearing. The Applicant, at the public hearing, shall supply the Commission with an affidavit certifying that the Public Information Notice sign has been placed for the period specified.

**NOTICE TO APPLICANTS**

THIS AFFIDAVIT IS REQUIRED FOR ALL APPLICATIONS REQUIRING A PUBLIC HEARING BY THE ZONING COMMISSION OR THE ZONING BOARD OF APPEALS.

**NOTE: PUBLIC HEARING SIGNS MUST BE POSTED ON THE SUBJECT PROPERTY 15 DAYS PRIOR TO THE PUBLIC HEARING DATE.**

**THIS FORM (SIGNED AND NOTARIZED) MUST BE PRESENTED AT THE PUBLIC HEARING.**

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**AFFIDAVIT**

STATE OF CONNECTICUT)  
Ss:  
COUNTY OF HARTFORD)

I, \_\_\_\_\_ of \_\_\_\_\_  
(Applicant) (City, State)

Being duly sworn, make oath and say that I have maintained sign(s) as required by the Simsbury Zoning Regulations, stating that either a Zoning application or a Zoning Board of Appeals application is pending for the following property:

\_\_\_\_\_  
(Location of Property)

DATE: \_\_\_\_\_ (Signature of Applicant)

\_\_\_\_\_  
(Type or Print Name of Applicant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

My Commission Expires on \_\_\_\_\_

## 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.

**RULES AND PROCEDURES  
THE SIMSBURY ZONING BOARD OF APPEALS  
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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  
Revised April 25, 1990  
Revised January 23, 1991  
Revised November, 18, 2009