

Zoning Board of Appeals

Town of Canterbury

1 Municipal Drive

\$260 fee payable to Town of Canterbury

Application Number: _____

Application for:

Variance for Zoning Regulation

Appeal Decision of ZEO

Name & Address of Application:

Owner & Address of Property (if different):

Appeal/Variance requested from (section of Zoning Regulations): _____

Has any previous appeal/variance been filed in connection with this property? _____

If yes, please explain: _____

If work constitutes an alteration, conversion, or extension to an existing building, and/or non-conforming building or use, please describe:

Please state and explain hardship claimed:

I hereby depose that all the above statements are true to the best of my knowledge:

Signature of applicant

Date

Signature of owner

Date



TOWN OF CANTERBURY
1 MUNICIPAL DRIVE
CANTERBURY, CT 06331
PHONE (860) 546-6857
FAX (860) 546-9632

Zoning Board of Appeals and Variances

There are three main requirements that **must be met** for the Board to issue a variance. Giving a variance that does not meet these requirements is technically illegal and would likely be overturned in Superior Court on appeal.

1. **There must be a hardship in the LAND.** Something about the land (could be the size, shape, wetlands location, presence of excessive ledge, etc.) that makes it difficult to adhere to the zoning regulations. Variances stay with the land forever and are not transferable.

This hardship can not be self made. For example: You placed your home closer to the border on the driveway side than the other side. Later you want to install a garage on this narrow side and find there is not enough room. This would be a self-made hardship.

It must also be specific to your lot, not the entire zone. For example, if your lot has a large outcropping of ledge to the rear and a store that you want to open would have to be built in the front setbacks; one may be allowed because this hardship is particular to your lot. However, if the whole zone does not allow stores, a variance allowing one on your lot would be improper. In this example, stores are not allowed anywhere in your zone – regardless of any hardship.

Lastly, being a hardship in the LAND, *your personal hardships do not count.* Financial, medical hardships are not considered a hardship in the land.

2. **The effects of this variance must allow the overall intent of the regulations to be followed and ensure that justice is served.** If the regulations, for example, prevent tall buildings because the Fire Department's ladders are not tall enough, then granting a variance for a 5-story building would not be proper or safe. However, if the church's steeple will be 5 feet too high, this might be allowed because no one lives in the steeple and emergency access to it is not an issue.
3. **The variance will not negatively affect the health or safety of the community.** For example, if the regulations do not allow cattle on .5 acre lots and allowing them with a variance may cause flies and other health concerns for abutters, it would not be allowed.

The granting of a variance is not guaranteed. Just because someone else was granted a variance for something, does not mean you will be granted one. Variances are granted on a case-by-case basis depending on the circumstances that surround them.

The best advice is to do two things:

1. Show that the property can be developed in a safe, sound, and orderly manner because of this variance. For example, will the septic or water well be affected? Is the driveway going to be large enough to park all your cars? Will there be any negative environmental effects?
2. Show that it will not affect the neighborhood in any negative ways. You may show that the development will fit in with the character of the neighborhood because other people have done similar things. Letters, or better yet testimony, from immediate neighbors stating they support the application always help.

Do not be afraid to submit extra relevant evidence that may help prove your case in the above areas. It is your right to ask for a variance, but it is also your responsibility to prove that one is warranted.

Do not be afraid to ask any questions. The process can seem a bit daunting at times.

If you have filed an application with the Zoning Board of Appeals for either a variance or to appeal the decision of the Zoning Enforcement Officer, the following information is important:

You are required to apply to the Zoning Board of Appeals 21 days prior to the next regularly scheduled meeting. The Commission meets on the last Monday of each month on an “as needed” basis. This meeting is the public hearing. The 21-day window allows for sufficient notification time.

You must notify the abutters (150’ in all directions) of your application at least 10 days prior to the hearing. In this letter you should include a copy of your application and the date, time, and location of the hearing. These letters must be sent **CERTIFICATE OF MAILING**. At least 7 days prior to the hearing, you must supply the office with a list of the abutters and the proof of mailing.

SAMPLE LETTER

Date

Mr. & Mrs. John Smith
11 Main Street
Canterbury, CT 06331

Dear Neighbor:

Please be informed that I presently have an application before the Canterbury Zoning Board of Appeals. A copy of this application is attached.

The public hearing is scheduled for ...provide date and time...at the Canterbury Municipal Building, located at 1 Municipal Drive. At the public hearing, comments will be heard and written statements received.

Sincerely,

John Doe
20 South Main Street
Canterbury, CT 06331

*****Letters must be sent to abutters by "Certificate of Mailing"*****

