

ZONING BOARD OF APPEALS (ZBA) VARIANCE APPLICATION

When applying for a variance, the applicant is seeking approval to use the property in a manner that would not otherwise be allowed under Zoning Regulations, which are Land-Use Laws that serve to protect public health, safety, convenience, welfare and property values. The ZBA's authority to grant variances is limited by law and must comply with statutory requirements. Submission of an incomplete variance application may delay the scheduling of the public hearing and may be grounds for denial of the application. Per Connecticut General Statutes (CGS), Section 8-6, if the ZBA denies a variance application for any reason, it is not required to hear an application for substantially the same variance for a period of six (6) months. To avoid unnecessary delays or denial, it is to the benefit of the applicant to submit a **complete** variance application with all of the information required.

It is highly recommended that the applicants, or their representative(s), review the ZBA Residential Variance Application Guide (on ZBA Website) and discuss the variance application with the Old Lyme Zoning Enforcement Officer prior to submission. Please call 860-434-1605, ext. 225 for an appt.

INSTRUCTIONS

SUBMISSION: The complete variance application, including ALL supporting plans, photographs, and documentation, must be submitted **IN TRIPLICATE** to the Land Use Department on the second floor of Memorial Town Hall. PDF electronic versions of documents are also helpful.

FEES: The applicant must submit **two (2) separate checks** payable to the "Town of Old Lyme" for a **\$260.00 Variance Application Fee** and an initial **\$70.00 Recording Fee** (if an added \$5 per page fee is required, it will be collected at time of recording). If applicable, an additional \$100 Fee, payable to the Town of Old Lyme, is required for a Coastal Site Plan Review Application.

ZBA Meetings are scheduled the **THIRD Thursday** of each month (except August and December) at 6:30 p.m. at the Memorial Town Hall, 52 Lyme Street, Old Lyme. **Complete** variance applications submitted by the **FIRST Thursday** of the month will typically be heard at the **subsequent** regularly scheduled ZBA meeting. Submission of an incomplete application may result in a delay in the scheduling of the public hearing or a denial of the application. The Applicant or his/her Authorized Representative **must** be present at the hearing.

NOTICES

VARIANCE EFFECTIVE DATE: A decision by the ZBA to grant a variance does NOT become effective until **AFTER** a ZBA-certified copy of the **"Notice of Variance Granted"** is **recorded in the town's land records** along with any required mylar plans; any additional recording fees required beyond the initial \$70 Recording Fee paid with submission of the variance application, are the applicant's responsibility (CGS Section 8-3(d)).

The recording typically occurs within 30 days following the ZBA decision: after publication of a **"Legal Notice" of the ZBA decision** in *The Day* newspaper within fifteen (15) days of the ZBA decision (per CGS Section 8-7), and following a 15-day appeal period after publication of the Legal Notice of Decision, during which time any aggrieved party may appeal the ZBA decision in court (CGS Section 8-8). **A Zoning permit and any necessary building permits are required prior to start of construction.**

VARIANCE EXPIRATION: The variance expires if construction is not commenced within 18-months of effective date and must be substantially completed within 3 years of said date.

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Old Lyme ZBA – VARIANCE APPLICATION FORM

ZBA Case # _____

Premises: Street Address _____

Assessor's Map # _____ Lot # _____ Lot Area _____ sq. ft.

Zoning District: _____ Overlay Zone(s) _____

Owner Name: _____ Tel. # _____

Mailing Address _____

Email address _____

Applicant Name: _____ Tel. # _____

(if not Owner)

Mailing Address _____

Email address _____

Authorized Representative: _____ Tel. # _____

Mailing Address _____

Email address _____

Correspondence to be addressed to (chose one): () Owner, () Applicant, () Authorized Rep.

Has a previous variance application or appeal been filed on these premises? () Yes () No

If yes, Date: _____ ZBA Case # _____ Board Decision* _____

* Attach copy of ZBA Notice of Decision

1. LIST OF VARIANCES(S) REQUESTED:

Section No.	Allowed/Required per regulations	Existing	Proposed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

OR - refer to attached Zoning Table Appendix 1 (per template provided)

For Official Use:

Date application submitted to Land Use Office: _____

Fees Paid: Variance application Fee _____ Recording Fee _____

Date application to be 'Received': _____ (35 days or next ZBA Regular meeting,
whichever is soonest)

Date Public Hearing scheduled: _____

2. VARIANCE IS REQUESTED TO ALLOW: *(Briefly describe any proposed changes in setbacks, Use, total floor area, building/structure coverage, total ground coverage, height, and structure dimensions):*

3. STRICT APPLICATION OF ZONING REGULATIONS WOULD RESULT IN UNUSUAL HARDSHIP* BECAUSE:
(Support topological claims w/photos, survey):

4. THE UNUSUAL HARDSHIP* IS NOT SHARED BY OTHERS IN THE DISTRICT BECAUSE:

5. DESCRIBE PROPOSED REDUCTIONS IN LEGAL PRE-EXISTING NON-CONFORMITIES, IF ANY:

6. REQUESTED VARIANCE(S) ARE IN HARMONY WITH THE PURPOSE AND INTENT OF OLD LYME ZONING REGULATIONS AND WILL NOT ADVERSELY AFFECT THE COMPREHENSIVE PLAN OF ZONING BECAUSE:

(For all of above responses, please attach supplemental sheet(s), if space provided is insufficient.)

**Please review ZBA ‘Residential Variance Application Guide’ for additional information on the legal requirements for granting a variance and an explanation of the definition of “Unusual Hardship”. The ‘Guide’ is available on the Old Lyme ZBA website: <https://www.oldlyme-ct.gov/428/Zoning-Board-of-Appeals>*

7. CHECKLIST OF REQUIREMENTS

ALL DOCUMENTATION MUST BE SUBMITTED **IN TRIPLICATE**. PDF electronic copies also helpful!

- () Copy of Health Dept. **approval** for the proposed plan and/or activity, and, if a residence, whether there is a change in seasonal or year-round use and the number of bedrooms.
- () A **Certified Plot Plan** (as described in Section 20.3.4.1); **OR, for minor improvements only, a Modified Plot Plan** (as described in Section 20.3.4.2), including *drawn-to-scale* lot dimensions, location and footprints of **existing and proposed** buildings and structures; locations of well and septic system, when applicable, etc.
- () A **Zoning Table**, either attached separately as **Appendix 1**, or included on Certified Plot Plan. Must list existing non-conformity and proposed increases or decreases in non-conformity (**see attached templates**), including calculations of existing and proposed Floor Area, Building/Structure Coverage, and Total Ground Coverage (per Section 8 and Section 3 Definitions) expressed in square feet and % lot area - adjusted for wetlands area, as required. ***Note**, an increase in volume in a setback is an increase in non-conformity and would require a variance.*
- () **Floorplans** of existing structures being modified or removed **AND** any proposed new construction, revisions, or additions, including dimensions.
- () **Elevation drawings** of existing structures being modified or removed **AND** any proposed new construction, including a supplemental overlay drawing depicting the changes in elevations, when applicable.
- () **Photos** of existing structures and area(s) to be altered.
- () Copy of owner's **deed** to premises.
- () Copies of current and past Tax Assessment field cards dating back 20 years. .
- () **Sketch map** showing locations of neighboring buildings, wells and septic systems.
- () **Staking of corners of property and proposed new construction** by Licensed Surveyor.
- () \$260 Variance **Application fee**, which includes \$60 State fee.
- () \$70 Initial **Recording fee** (added \$5 per-page fee may be required); fee returned if variance denied.

All above information is required unless specifically waived by Old Lyme Zoning Enforcement Official.

Additional information that may be required based on property location or proposal:

- Coastal Boundary Zone Requirements (per Section 4.2)
- Adjoining Coastal Resources Requirements (per Section 4.2.12)
- Tidal Waters Protection requirements (per Section 4.3)
- Flood Hazard Regulation Requirements (per Section 4.4)
- Conservation Zone Requirements – Gateway (per Section 4.10)
- Aquifer Protection Zone Requirements (per Section 17)
- Additional approvals/permits: Inland Wetlands Review, Historic District Review, Driveway permit
- When a "legal pre-existing Non-conforming Use" is claimed, evidence that said "Use" is legal may be required. Please discuss requirement with Zoning Enforcement Officer.

Old Lyme ZBA – VARIANCE APPLICATION FORM

ZBA Case # _____

8. DOES THE REQUESTED VARIANCE INVOLVE:

- ☐ A CHANGE OF USE () Yes, () No
- ☐ AN EXTENSION OR EXPANSION OF A NON-CONFORMING USE () Yes, () No
- ☐ AN EXTENSION OR EXPANSION OF A NON-CONFORMING STRUCTURE () Yes, () No
- ☐ AN INCREASE IN NONCONFORMY ON AN NONCONFORMING LOT () Yes, () No
- ☐ NEW CONSTRUCTION OR RECONSTRUCTION OF A PRINCIPAL BUILDING () Yes, () No
- ☐ EXPANSION OF THE HABITABLE SPACE ON THE PROPERTY () Yes, () No

9. IS A COASTAL SITE PLAN REVIEW REQUIRED (per Zoning Regs. Section 4.2) () Yes, () No

If YES, attach Coastal Site Plan Review Application, with required documentation, and \$100 fee.

*Note: any request for exemption (per Section 4.2.3) must receive **prior** written approval by the ZEO.*

10. IS THIS PROPERTY SUBJECT TO ANY OF THE FOLLOWING OLD LYME ZONING REGULATIONS:

- ☐ "ADJOINING COASTAL RESOURCES" (Section 4.2.12) () Yes, () No
- ☐ "TIDAL WATERS PROTECTION" (Section 4.3) () Yes, () No
- ☐ "FLOOD HAZARD REGULATIONS" (Section 4.4) () Yes, () No
- ☐ "CONSERVATION ZONE REQUIREMENTS – GATEWAY" (Section 4.10) () Yes, () No

11. IS ANY PORTION OF PROPERTY LOCATED WITHIN 500' OF A TOWN LINE? () Yes, () No

- ☐ If yes, per CGS Chapter 124, Section 8-7d, Town Clerk of neighboring community must be notified by registered mail within 7 days of 'receipt' of application; completed by Old Lyme Land Use staff.

OWNER/APPLICANT COMMITMENTS

I (WE) CERTIFY that the statements made hereinabove and the documents submitted herewith are true to the best of my (our) knowledge and belief. *NOTICE: If the Board determines or discovers that information submitted in support of the variance, if granted, was incorrect or invalid, the Board may, following a public hearing with notice to the subject property owner, void such approval (per Section 20.7.e).*

I (WE) CONSENT to allow Zoning Board of Appeals members access to the property for informal, independent site visits, for the purpose of evaluating this application prior to Board rendering its decision.

OWNER _____
Date

APPLICANT _____
Date

Per Old Lyme Town Ordinance Chapter 47-I, I acknowledge the cost of processing and review of this application may be passed on to the Applicant.

APPLICANT _____
Date

APPENDIX 1 - ZONING TABLE:

Template attached () OR included on Certified Plot Plan ()

If attached, Template used: Section 8.8 Schedule **A-2** () OR Section 8.9 Schedule **B-2** ()

APPENDIX 2 - NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 100' OF THIS PROPERTY.

(Including across the street)

An acceptable list of the abutters and addresses of record can be generated using *MapGeo*, which can be accessed via the “**GIS Land Maps**” link on the Town of Old Lyme Website:

<https://www.oldlyme-ct.gov/>

Please be advised that Old Lyme ZBA procedures for variance applications **require the applicant notify each abutting landowner of record within 100 feet of the subject property of the Public Hearing, by mailing a copy of the ‘Legal Notice’ of the Public Hearing via United States Postal Service ‘Certificate of Mailing’** (Form 3817 or Form 3665, or as updated by the US Postal Service).

Old Lyme Land Use staff will provide a copy of the ‘Legal Notice’ to the applicant once the ZBA has set the date of the Public Hearing. **The ‘Certificate of Mailing’ must be dated no less than 10 days prior to the Public Hearing.**

The Certificate(s) of Mailing must be submitted to the Zoning Enforcement Official **prior to the Public Hearing**, or the hearing may be delayed or continued.