

KILLINGWORTH ZONING BOARD OF APPEALS

TOWN OFFICE BUILDING
323 ROUTE 81
KILLINGWORTH, CT 06419

APPLICATION FOR HEARING

Board Purpose and Schedule:

The Zoning Board of Appeals (ZBA) is a judicial board authorized by the Town Zoning Regulations sections 500-188 through 500-198. The ZBA serves two functions:

(1) Deciding appeals of a decision of the Zoning Enforcement Officer. Decisions consider if zoning regulations were applied and interpreted correctly.

(2) Deciding if a variance of zoning regulations should be granted. A variance or exception to zoning regulations is considered only when a hardship exists, as defined by Connecticut State Law. A hardship is found only in a unique situation affecting real estate, which the Zoning Regulations fail to address. By State Law:

- The hardship must be a unique situation which is different from all other properties.
- The hardship must be in terms of the property - *financial, medical or other personal difficulties of the applicant cannot be considered.*
- Variances are granted to real estate and are attached permanently through land records. The identity or character of the owner or applicant is not relevant.
- Variances must be consistent with the overall objectives of Zoning Regulations and the Town Plan.
- The situation leading to the application for variance may not have been created by the owner or occupant.

The ZBA has no jurisdiction regarding subdivision regulations.

The ZBA meets at the Town Office Building on the fourth Monday of each month at 7:00 PM to hear applications filed by the last business day of the previous month.

Instructions and Procedures:

(1) Carefully review the nature of the application to determine if it is an application for a request for a variance of the Killingworth Zoning Regulations or an appeal of a decision of the Zoning Enforcement Officer.

(2) Complete the attached form and submit ten copies with the following:

- Surveyors map or well drawn plot plan with dimensions, showing the present and proposed buildings, structures, roads, driveways, stonewalls, property boundaries, markers and trees;
- Photographs which may be helpful;
- \$260 filing fee (includes \$60 State DEP fee and \$100 cost of publishing notifications) - make check payable to Town of Killingworth;
- Deposit the application in the ZBA mail slot in the Town Office Building.
- After filing the application and being notified by the ZBA Clerk that a hearing has been scheduled, the applicant will prepare a list of the names and addresses of all owners of properties within 500 feet of the subject property if in a Rural Residential District, and within 150 feet in all other districts.
- The applicant shall mail notification of the pending hearing to at least one owner of each property not more than 20 days, or less than 7 days before the date set for the public hearing. The notification will include the text of the application including the scheduled date, time and place of the hearing. The mailing to property owners will include a Certificate of Mailing, available at any U. S. Post Office. Evidence of the mailing must be submitted with the list of owners of properties at the beginning of the public hearing.
- If the property is located within a public water supply aquifer or watershed area of The Connecticut Water Company or Regional Water Authority, they must be notified of the application and a Certificate of Mailing provided as in (f) above (a map of the water supply aquifers and watersheds and specific instructions are posted in the office of the Zoning Enforcement Officer).

Hearing and Decision:

Five members of the ZBA Board (regular members and/or alternates), will be present at the hearing. The applicant may attend the hearing, but cannot participate in the deliberations after the hearing. The Board may discuss and vote on the application on the evening of the hearing or may set a date for continuing the discussion and decision.

ZBA hearings are recorded electronically, and minutes of all ZBA proceedings are kept with ZBA records. Motions and records of votes are filed with the Town Clerk within 48 hours, and minutes are filed with the Town Clerk within 7 days. Both documents are available in the Town Clerk's Office after the 48 hour and 7 day periods.

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APPLICATION FOR HEARING

Property Owner: _____
Address: _____

Phone Number: _____
Email (optional): _____

Applicant: _____ (if different from owner)

Location of Property: _____

Land Records: Volume _____ Page _____ (see Town Clerk)

Assessor's Map: Map No. _____ Parcel No. _____ (see Town Assessor)

I/we apply for a variance of the following section(s) of the Town of Killingworth Zoning Regulations (dated July 1, 2008 or later): _____

Describe briefly the reason for the request: _____

Describe why strict adherence to the Regulations would produce a hardship for the property: _____

Describe how the hardship is unique to this property: _____

Describe how a variance would not change the character of the neighborhood: _____

IF THIS APPLICATION FOR A HEARING is to appeal a decision of the Zoning Enforcement Officer, describe the nature and date of the decision: _____

On a separate piece of paper, list the names and addresses of all abutting property owners and owners of property within 500 feet of the subject property if in a Rural Residential District, and within 150 feet in all other districts. It is the obligation of the applicant to be complete, current, and accurate in providing this information, which may be obtained from the Assessor's Office.

The following certify that the information contained in this application is complete and correct to the best of my/our knowledge, information and belief.

Property Owner: _____ Date: _____

Printed name: _____

Applicant: _____ Date: _____

Printed name: _____