



CITY OF NORWALK

Zoning Board of Appeals

Guide for Applicants

It is advisable to discuss the case with the Zoning Inspector **before the application is filed** for suggestions as to what the Board may require in your case.

- **Instructions for completing Applications**
- **Rules of Procedure**
- **Authority of the Board**
- **Calendar of hearings**

INSTRUCTION FOR COMPLETING APPLICATION

1. Leave upper right hand corner blank. This is for Board use only.
2. In upper left corner check whether application is for variance, appeal, special permit, special exception, extension of time or 2 year conditional permit.
3. State name of property owner **exactly** as it appears on the deed. As variance must be recorded in the land records, it is important that the name be correct.
4. List the name of an attorney **only** if he/she is representing you in this case.
5. Be sure street name and street number are stated accurately. If in doubt ask Engineering Division, Department of Public Works.
6. Date property was acquired should be stated exactly. Often this date can be a factor in determining whether you are entitled to what you are requesting.
7. Zone, tax map reference, flood zone and coastal area information are all available in the zoning office. Please do not answer "Flood Zone" "Yes or No". All properties in Norwalk are in specific flood zone. Consult the map in the zoning office for the proper designation.

Question 1 should be answered with a brief statement of what you are requesting including the specific zoning section. If you wish to elaborate use a separate sheet but, if a separate sheet is used, your must request be summarized in this space.

Question 2 applies only to variances. It is not pertinent to an appeal, special permit, or special exception. For a variance it is essential. The Board is prohibited by state law from granting a variance unless it finds that there is unnecessary hardship or practical difficulty. (Sec. 8-6 Connecticut General Statutes; also Sec. 118-1410 Building Zone Regulations) Such hardship or difficulty must meet the following tests -

- a) It must be a condition imposed by the zoning regulations.
- b) The condition must concern the property. Personal hardship or financial difficulty cannot be considered.
- c) The hardship or practical difficulty cannot be self-created or common to other properties of the same type.

If question 3 applies, state setback required by the code, the setback proposed and the variance requested, e.g.

Front setback required	- 30 feet
Proposed	- 28 feet
Variance requested	- 2 feet

Question 4 - The applicant must have some interest in the property and the interest must be stated (e.g. tenant, contract to purchase, agent of owner, etc.)

Question 5 - Previous applications must be disclosed whether or not they were granted and whether or not you were the owner. File number and other details of previous applications are available at the Zoning Office. Copies of variances, meeting minutes etc. must be included in application.

Question 6 - Wetland maps are available in the Conservation Commission Office. If the property contains a designated wetland your proposal must be approved by the Conservation Commission before it can be acted upon by the Zoning Board of Appeals.

Question 7 - Requests the name and mailing address of adjoining property owners. Note that this includes property owners directly across the street from the subject property. It is very important that this information be accurate, as all adjoining property owners must be notified of your application. Failure to answer this question accurately may invalidate the Board's action on your application. If you do not know an address the office of the Tax Assessor in City Hall may be able to assist you. Use a separate sheet if necessary to answer this question completely.

The Property owners' signature must accompany the applicant signature.

MAPS

Eleven copies of a plot plan or map showing the property in question must accompany the application. The plot plan should be no smaller than 1" = 40' and no larger than 1" = 20'. (Exceptions may be made for very large tracts or other unusual cases). Plot plans should be up-to-date and show accurately all existing buildings, driveways, parking areas, proposed construction and a zoning summary chart. Where pertinent, zone boundary lines and setback lines should be shown as well as distances from buildings to property lines and distances between buildings. When your application involves the topography of the lot, topographic lines should appear on the map or photographs should be submitted showing topography and elevations. Plot plans must be certified by a surveyor, licensed by the State or Connecticut.

The Zoning Inspector can allow exceptions to this rule when it is clear that certification is not necessary. If there is to be new construction or alterations one set of sketches showing revised floor plans and exterior changes is desirable.

FEE

A fee must accompany each application. Credit or debit card payments are the only form accepted.

If a variance, appeal or special permit is granted an additional fee is charged for recording. If the Board's decision is not recorded then the variance, appeal, or special permit is not valid. A fee must accompany the second and subsequent requests to extend the time within which the applicant of an approved variance or special exception or special permit must obtain a building permit. If application is postponed at applicants request or due to error, and re-advertising is necessary a new fee will be required.

FLOOD ZONES

The flood zone can be determined from the Flood Insurance Rate Map. This map may be examined at the zoning office. If the designated flood zone is "A" or "A" plus a number or "V" plus a number then the plot plan must show the elevation above mean sea level of the lowest floor (including basement) of all structures and proposed structures. The elevation must be determined and certified by a Connecticut licensed surveyor.

COASTAL AREA

All of that portion of the city within approximately 1,000 feet of tidal water is in the Coastal Area. The exact boundaries are shown on the Building Zone Map which is available for inspection in the Zoning Office. Some properties within the coastal area for which a variance is requested must have a coastal area review by the Board when it is considering the variance application. There are two application forms for Coastal Site Plan Review. Inquire at the Zoning Office to determine whether the short or long form applies in your case, or if you are exempt.

SPECIAL PERMITS

Special permits listed under Section 118-1410 of the zoning code are heard by the Board of Appeals. All other special permits are under the jurisdiction of the Zoning Commission and application should be directed to the Commission and not the Board. Note that Section 118-1450 of the zoning code entitled "Special Permits" does not apply to special permits under the jurisdiction of the Board of Appeals.

Where the application is for a special permit, question 2 of the application "practical difficulties or unnecessary hardships" does not apply and should not be answered.

APPEALS

The Zoning Board of Appeals is designated to hear and determine appeals from an order, requirement or decision of the Zoning Inspector. Application for the appeal must be filed within fifteen (15) days. In cases where the Zoning Commission acts as a zoning enforcement agency, such as in site plan review, granting special permits, etc. appeals may be taken to the Board of Appeals (see Conto vs. Zoning Commission - 186 Conn. 106). It is not necessary to answer question 2 "practical difficulties or unnecessary hardships" in applying for a hearing of an appeal.

SPECIAL EXCEPTION

Special exceptions to allow a change of one nonconforming land use or structure to another nonconforming use or to allow the use of adjoining, nonconforming lots as separate lots are heard and decided by the Zoning Board of Appeals in accordance with Section 118-800. Application question #2 pertaining to "practical difficulties or unnecessary hardships" does not apply.

OTHER INFORMATION

Of their very nature applications to the Board of Appeals are unique to the property in question. Hence, what the Board may require in each case cannot be embraced completely in these instructions.

Any person concerned with a matter before the Board may submit a proposed resolution for the Board's consideration. Any such resolution, whether for a grant or denial must contain a statement of a reason for such an action. In addition, a resolution to adopt a variance must contain a statement of unnecessary hardship or practical difficulty.