

# **ZBA APPLICATION**

## **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 Town of Brookfield 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.
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**FOR MORE INFORMATION ON THE ZONING BOARD OF APPEALS, REFER TO SECTION 8-7 OF THE TOWN OF BROOKFIELD ZONING REGULATIONS.**

**TOWN OF BROOKFIELD  
ZONING BOARD OF APPEALS (ZBA)  
INSTRUCTIONS FOR APPLICATION**

**All parts of the form must be filled out, all applicable questions must be answered, and applications must be accompanied by the required supporting documents.** The Zoning Board of Appeals will refuse to accept an application and the applicant can consider the application rejected if the requested information is not provided or if the application is incomplete. **The applicant or a representative must appear at the public hearing.**

**There are three types of appeals:**

1. Application for Variance or Special Exception
  2. Application for Alteration or Addition to an Existing Building
  3. Appeal from the Zoning Commission or Zoning Enforcement Officer (Application must be received by the ZBA no later than 30 days from the date of written decision or order of Zoning Commission or Enforcement Officer).
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1. The Zoning Board of Appeals meets once per month. Your application will be placed on the next ZBA agenda for a Public Hearing provided the application and supporting documents are received before the submission deadline and the application fee has been paid. It is highly recommended that all applicants/property owners and/or agents read the ZBA Bylaws on the Town of Brookfield website before meeting attendance.
  2. **Please refer to the Town of Brookfield Zoning Regulations** to document the EXACT REGULATION(s) from which you are requesting a variance. Be prepared to state your reason for the request. *(Please refer to the attached CT. General Statutes §8-6).*
  3. **The Applicant will mail notification to adjacent and abutting property owners affected by this application and will provide receipts of the mailing to the Land Use Office.** The property owner's notification will include the time, date and place of the hearing and the reason for your application. (A sample letter is attached). The Land Use Office can provide the list of abutters for you.

**REQUIRED DOCUMENTS CHECKLIST:**

- ☐ **Original and 8 copies of the completed and signed application.**
- ☐ **8 copies of Plot Plan showing location of all existing and proposed buildings with sizes drawn to scale. If setbacks are involved, an A-2 survey showing exact setback distances from the property lines to the nearest point of any proposed construction is required.**
- ☐ **8 copies of Legal Land Description (found in the Deed).**
- ☐ **8 copies of any previous variance(s) granted.**
- ☐ **8 copies of Zoning Commission Denial or Order (if applicable).**
- ☐ **Check made payable to: Town of Brookfield Zoning Board of Appeals (See Fee Schedule)**

**TOWN OF BROOKFIELD**  
**APPLICATION – ZONING BOARD OF APPEALS**

**APPLICATION #:** \_\_\_\_\_

**PROPERTY ID#:** \_\_\_\_\_

**APPLICANT/AGENT:**

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

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

**Contact:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

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

**LAND OWNER OF RECORD:**

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

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

**Contact:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

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

**SITE DATA:**

**Street Address:** \_\_\_\_\_ **Acreage:** \_\_\_\_\_ **Lot Size (sq.ft.)** \_\_\_\_\_

**Zoning District:** \_\_\_\_\_ **Use (circle one):** Residential Commercial Industrial

**Proposed Activity:** \_\_\_\_\_

**Is property located within 500 feet of another municipality?** Yes: \_\_\_\_\_ No: \_\_\_\_\_

**Has a previous appeal been filed in connection with this property?** No: \_\_\_\_\_ Yes: \_\_\_\_\_

**List appeal #'s and dates:** \_\_\_\_\_

**Is this an appeal from the Zoning Commission or Zoning Officer?** No: \_\_\_\_\_ Yes: \_\_\_\_\_

**If Yes, provide a copy of the Denial or Order. Date of Denial or Order:** \_\_\_\_\_

**SITE INFORMATION FOR VARIANCE REQUEST:**

*The variance requested is the difference between the Required Dimension and the Proposed Dimension.*

*Example: Required setback 50', proposed structure to be 32' from property line. Variance = 18'.*

<b>Present Dimension</b>		<b>Required Dimension</b>	<b>Proposed Dimension</b>	<b>Variance Requested</b>	<b>Zoning Regulation #</b>
	<b>Structure to Front Lot Line</b> (Residential Only)				
	<b>Structure to Front Lot Line</b> (Commercial Only)				
	<b>Structure to Rear Lot Line</b>				
	<b>Structure to Left Side Line</b>				
	<b>Structure to Right Side Line</b>				
	<b>Lot Area*</b>				
	<b>% of Lot Coverage</b>				
	<b>Lot Width</b>				
	<b>Building Height</b>				
	<b>Other</b>				

\*The area to be used in the calculation of minimum lot area is exclusive of wetlands, watercourses, slopes in excess of 25°, portions of the lot less than 50' wide, or the private right of way leading to interior lots.

**State the nature of the variance requested and the hardship claimed as a reason for the request.**

*(Bear in mind that financial hardship alone will not warrant a variance. A separate explanation document can also be attached.)*

**List Names & Addresses of ALL Abutting and Facing Property Owners As Recorded In The Office Of The Brookfield Assessor:**

Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  
Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  
Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  
Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  
Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

**DECLARATION (to be signed by all applicants):**

I (We) hereby declare that all information in this application and in the attachments submitted, is accurate and complete to the best of my (our) knowledge and belief. I (We) understand that obtaining a variance does not waive the requirements for other permits. If a variance is granted I (We) will comply with the permit requirements of the Town of Brookfield Land Use Departments. If a variance is granted I (We) will file the approval letter with the Town Clerk within thirty (30) days of publication of the decision.

I (We) understand that any false statement herein, which I do not believe to be true and which is intended to mislead a public servant in the performance of their official function, is punishable by law (See CGS ss 53a-157b). I further understand that any statement in this application that is determined to be false or inaccurate shall constitute grounds for the denial of such application. If approved before the facts are known, such approval shall be void if based on a false or inaccurate statement. I declare, under the penalties of False Statement, the information above to be true and correct, and my signature below attests to the accuracy and completeness of all information supplied on this application.

Date: \_\_\_\_\_ Owner Signature (Required): \_\_\_\_\_

Date: \_\_\_\_\_ Owner Signature (Required): \_\_\_\_\_

**Designation of Agent or Attorney:**

*It is unnecessary for an applicant to be represented by an agent/attorney. If an agent/attorney is retained, please indicate below:*

I (we) designate the following individual(s) to act for me (us) at any hearing held in response to this application:

Agent ( ) Attorney ( )	Name: _____
	Address: _____
Date: _____	Agent Signature (Required): _____
Date: _____	Agent Signature (Required): _____
Date: _____	Owner Signature (Required): _____
Date: _____	Owner Signature (Required): _____

## ZONING & WETLANDS APPROVAL CALCULATION WORKSHEET

### Step 1: Calculate the lot size in square feet.

Acreage of property  x 43,560sq.ft./acre =  \*\*\*\* enter this number in BOX A below  
 (Example: .75 acres x 43,560sq.ft./acre = 32,670 sq.ft.)

### Step 2: Calculate the ground coverage (in square feet) of structures on lot:

	Length in feet	x	Width in Feet	=	Square feet
House	<input type="text"/>		<input type="text"/>		<input type="text"/>
Deck	<input type="text"/>		<input type="text"/>		<input type="text"/>
Porch	<input type="text"/>		<input type="text"/>		<input type="text"/>
Garage	<input type="text"/>		<input type="text"/>		<input type="text"/>
Shed	<input type="text"/>		<input type="text"/>		<input type="text"/>
Pool	<input type="text"/>		<input type="text"/>		<input type="text"/>
Other	<input type="text"/>		<input type="text"/>		<input type="text"/>
Proposed Structure	<input type="text"/>		<input type="text"/>		<input type="text"/>

Total Ground Coverage in square feet of Structures =

\*\*\* enter this number in BOX B below

### Step 3: Calculate Total Lot Coverage:

Divide Total Ground Coverage of Structures (sq.ft)

By

Lot Size In Square Feet

**BOX B** ▶

divided by

**BOX A** ▶

=

\*\*\* enter this number  
in BOX C

### Step 4: Multiply by 100:

**BOX C** ▶  x

100

=  %

THIS IS YOUR % OF TOTAL LOT COVERAGE

## **SAMPLE NOTIFICATION LETTER**

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City, State, Zip*

This is to notify you that an application for a variance has been filed by \_\_\_\_\_ *applicant name* \_\_\_\_\_ for property located at \_\_\_\_\_ *property address* \_\_\_\_\_, Brookfield, CT. The variance is requested for \_\_\_\_\_ *regulation number & purpose* \_\_\_\_\_.

This application is on file in the Town of Brookfield Land Use Office for review.

The Brookfield Zoning Board of Appeals will hold a Public Hearing to consider this application on \_\_\_\_\_ *date* \_\_\_\_\_, at the Brookfield Town Hall, 100 Pocono Road, Brookfield, Ct., beginning at 7:00 p.m. The Public Hearing will be open to the public and you are hereby advised that opportunity to speak in favor or opposition to this variance will be granted at said Public Hearing. Your appearance is not mandatory, but the ZBA would appreciate your comments by mail if you cannot attend the meeting. Responses may be mailed to:

Zoning Board of Appeals  
Town of Brookfield  
100 Pocono Rd.  
Brookfield, Ct. 06804

If you have any questions regarding this application, please call the Town of Brookfield Land Use Office at 203-775-7316.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Applicant Signature

**TOWN OF BROOKFIELD  
ZONING BOARD OF APPEALS**

**FEE SCHEDULE – EFFECTIVE 4/28/04**

<b>Type of Application</b>	<b>Fee</b>	<b>State of CT</b> <i>effective 10/1/09</i>	<b>Total</b>
<b>Alterations or additions to an existing structure or construction of an outbuilding or swimming pool on a lot which contains an existing house</b>	<b>\$150.00</b>	<b>\$60.00</b>	<b>\$210.00</b>
<b>Construction of a house or other structure on vacant land in a residential zone</b>	<b>\$200.00</b>	<b>\$60.00</b>	<b>\$260.00</b>
<b>Application for variances for property located in a commercial or industrial zone</b>	<b>\$300.00</b>	<b>\$60.00</b>	<b>\$360.00</b>
<b>Application for an appeal from an Order or Decision of the Zoning Commission or Enforcement Officer</b>	<b>\$300.00</b>	<b>\$60.00</b>	<b>\$360.00</b>