

ANDOVER ZONING BOARD OF APPEALS

**INFORMATION FOR APPLICANTS**

- 1) Please complete the application and submit along with all required attachments and a non-refundable fee of \$200.00. The fee for a variance is \$140.00 and a \$60.00\*\* state fee. The State Fee is subject to change, please confirm the amount at time of submission. Checks/money orders shall be made payable to the “Town of Andover”.
- 2) Regular meetings of the Andover Zoning Board of Appeals (ZBA) are held on the third Wednesday of the month in the Town Hall Community Room, 17 School Road. Confirm the date and location with the legal notice, which can be picked up at the Town Office Building in the Building Department 15 days prior to the next scheduled meeting.
- 3) Applicants are required to notify all property owners within 100’ of the property in which the variance is requested via certified mail at least 10 days prior to the meeting including a copy of the legal notice, this may be obtained in the Building Department 15 days prior to the public hearing. The receipts for the mailing must be presented by the opening of the public hearing: A sign must also be posted in a visible location 10 days prior to the public hearing, the sign may be obtained at the Building Department for a fee. Failure to provide proper notice will result in the canceling of the public hearing on your application.
- 4) The Connecticut General Statutes require that a public hearing be held for all zoning variances. **Applications must be submitted a minimum of sixteen days prior to the meeting date in order to get on the agenda.** This is necessary in order to meet the legal notification requirements set forth in the state statutes.
- 5) The Connecticut General Statutes govern the application process. While the ZBA typically acts on applications at the meeting at which they are initially presented the ZBA can hold a public hearing open for thirty-five (35) days and has sixty-five (65) days from the close of the hearing to act upon an application.
- 6) Zoning variances are granted only for unnecessary hardship as described in Section 22.0.4 of the Andover Zoning Regulations and Section 8-6 of the Connecticut General Statutes (see back of this sheet).
- 7) The concurring vote of four members of the Board is necessary to approve an application for a variance. A full Board consists of five voting members.
- 8) The decision of the Board is published in a legal notice in either the Rivereast or the Willimantic Chronicle, usually within one week (within 15 days by Statute).

- 9) There is a fifteen day appeal period, commencing the day the legal notice appears in the newspaper, in which any aggrieved person(s) may appeal the decision of the Zoning Board of Appeals. Appeals are handled through the Superior Court.
- 10) If a variance is approved the applicant is required to file a notice in the Land Records at a cost of \$53. per page (typically notices are a single page) which is to be paid by the applicant. The variance does not become effective until such time as the notice is filed with the Town Clerk. The Town will generate the notice and notify the applicant at such time as it is available for filing. The applicant is responsible for securing any additional approvals that may be required.

### **ADDITIONAL INFORMATION FOR APPLICANTS**

#### **Supplemental Information**

##### **SECTION 22.0.4 OF THE ANDOVER ZONING REGULATIONS**

To authorize upon appeal in specific cases variances from the terms of these regulations, where by reason of exceptional shape, size, or topography of lot, or other exceptional situation or condition of the building or land, exceptional difficulty or unusual hardship would result to the owners of said property from a strict enforcement of these regulations. Before any exception or variance is granted, the Board of Appeals shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties, or unnecessary hardship involved.

##### **SECTION 8-6 OF THE CONNECTICUT GENERAL STATUTES**

###### **Power and duties of board of appeals**

- (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter; (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in district in which such uses are not otherwise allowed. No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application.

- b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

Andover Zoning Regulations

Section 22.1 – Procedures

- 22.1.1 The Board of Appeals shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed in the Connecticut General Statutes as amended.

The **applicant shall notify all property owners within 100'** of the subject property of the public hearing by sending a copy of the legal notice, via certified mail, mailed a minimum of ten (10) days prior to the hearing. The applicant shall **provide the Town with copies of all receipts and assume all costs associated with the mailing**. For purposes of complying with this section the applicant shall use the names and addresses as they appear on the Town's most current grand list. In addition, **the applicant shall post one or more signs on the subject property**. All signs, which shall be provided for a fee by the Town, shall be placed on the property so as to be readily visible from any and all streets upon which the property fronts, no more than twenty five (25) feet from the street. Signs shall be posted for a period of ten (10) days prior to the public meeting and remain posted until the close of the hearing. The sign shall state the reason for the public hearing, and shall inform interested parties as to where additional information is available. (effective 5/31/01)

ANDOVER ZONING BOARD OF APPEALS APPLICATION

A \$200.00\*\* (confirm state fee at time of submission) fee must accompany each application. THIS FEE IS NONREFUNDABLE. Checks or money orders must be made payable to Town of Andover.

TO BE COMPLETED BY THE APPLICANT – PLEASE PRINT

Applicant's Name \_\_\_\_\_

Day Phone # \_\_\_\_\_ Evening Phone # \_\_\_\_\_

Address \_\_\_\_\_

Owner of Land \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

LOCATION OF PROPERTY

Street \_\_\_\_\_

Tax Map Number \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Zoning District \_\_\_\_\_ Lot Size \_\_\_\_\_ Lot Frontage \_\_\_\_\_

TYPE OF APPLICATION (Check appropriate box):

- A variance in the application of the Zoning Regulations is requested.
- There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal)
- Other (Specify) \_\_\_\_\_

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Current Property Use \_\_\_\_\_ Proposed Property Use \_\_\_\_\_  
(residential, commercial, industrial)

Has an application involving the subject property been submitted to either the Planning & Zoning Commission or Zoning Board of Appeals Application in the past? \_\_\_\_\_

If so, provide Application #, Applicant's Name and/or Date

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Briefly describe the proposed project and/or activity:

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State the appropriate section(s) of the Zoning Regulations you wish to vary or appeal:

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What specific action are you requesting of the Zoning Board of Appeals?

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If the your application is for a variance please state your hardship below. Hardships should be within the context of Section 22.0.4 of the Andover zoning regulations and Section 8.6 (both of which are attached)

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**ATTACHMENTS:**

The following items must be provided to complete this application:

\_\_\_\_\_ A \$140.00 application fee **and** \$60.00 State fee, state fee is subject to change and must be verified at the time of submission. Checks shall be made payable to the "Town of Andover"

\_\_\_\_\_ Site Plan to a scale of 1"=20' or 1"=40'. The site plan shall include:

\*Location and dimensions of existing buildings and uses

\*Dimensions of the lot and required and proposed setbacks

\*Driveways and parking areas

\*Wells/Water Lines

\*Septic System/Sewer Lines

\*Accessory structures (swimming pools, tool sheds, etc.)

\*Location of wetlands and watercourses (if information is available)

\*Any unique landmarks that are situated on the property

\*Additions to structure requiring the variance must be staked (the corners) 13 days prior to the meeting for Commission review

NOTE: AN A-2 SURVEY/SITE PLAN MAY BE REQUIRED AT THE DISCRETION OF THE BOARD

\_\_\_\_\_ Names and addresses of abutting property owners of the subject property

\_\_\_\_\_ Copies of the Tax Assessor's property card for this location (both sides-available in Assessor's Office)

\_\_\_\_\_ Verification (through Attorney's letter, title searcher and/or complete deed history) of nonconforming lots of record if deemed appropriate

The undersigned hereby authorizes the Andover Zoning Board of Appeals, or its agents, to enter upon the property for the purpose of inspection and enforcement of the Town of Andover Zoning Regulations.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Applicant)

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Owner)

For staff use:  
Date Submitted \_\_\_\_\_  
Date of Receipt by Board \_\_\_\_\_  
Fee \_\_\_\_\_