



## TOWN OF NEWTOWN

# Applying for a Variance?

### Items needed to submit your application to the Land Use Agency

	Notice of Appeal Application - 2 Pages (3 original copies)
	Letter of Hardship (3 original copies)
	A-2 Survey outlining exact dimensions of request (3 stamped copies)
	Check for \$210 payable to <i>Town of Newtown</i>
	You will be given a docket number and hearing date/time/location once all the above is received by the Land Use clerk.

### Before your public hearing

	Obtain a list of abutters within a 500' radius from your property. This list can be found on the Town website under GIS. Add the abutters' addresses to the Post Office form "PS Form 3665"
	Mail the "Notification Form" to each abutter on "PS Form 3665" at least 10 days prior to hearing date
	Complete Affidavit and have notarized
	The Land Use Agency will run your notice in the paper for two weeks prior to hearing date

### Public Hearing

	The Board will ask you to:
	State your name and address - bring a surveyor/engineer/attorney if you wish
	Submit "PS Form 3665" and Affidavit for the record
	Explain your Hardship
	Explain plans for the property
	The Zoning Board of Appeals will typically vote to approve or deny at the meeting unless they require further deliberation or information from the applicant
	Appeal period is 15 days past publication of decision in the Newtown Bee

### Upon Approval

	The Applicant must file a "Notice of Grant" to the Town Clerk for a fee of \$60.00.
	The Land Use Agency will send an approval letter to the Applicant
	The Land Use Agency will post a legal notice in the paper

#### Town of Newtown Regulations:

"12.01.220 **Variances** to vary the strict application of any of the requirements of these Regulations \*in the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved..."

**TOWN OF NEWTOWN**  
**Zoning Board of Appeals**  
**NOTICE OF APPEAL - APPLICATION FOR HEARING**

Before filling in this form please read carefully the accompanying instructions. When completed, deliver or mail three (3) signed copies, each with all detailed information attached thereto to:

**Secretary c/o The Zoning Officer**  
**Zoning Board of Appeals**  
**Newtown Municipal Offices**  
**3 Primrose Street**  
**Newtown, CT 06470**

DO NOT WRITE IN THIS SPACE

Date Rec'd \_\_\_\_\_ Docket \_\_\_\_\_

Fee Paid \_\_\_\_\_ Date Adv \_\_\_\_\_

Date Hear \_\_\_\_\_ By \_\_\_\_\_

**A. APPLICANT (Please print or type):**

Name (s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_

**B. PURPOSE OF APPLICATION (Use only one of the following four numbered sections)**

**1 ( ) To Appeal for Correction of Alleged Error Fee: \$310.00**

To appeal for correction of alleged error in a decision of the Zoning Officer who on (date) \_\_\_\_\_  
did ( ) deny or ( ) grant a permit by \_\_\_\_\_, requesting

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- ( ) Explanatory Statement to be attached by Applicant. Statement should indicate in detail what action is desired and the reasons therefore as required by Chapter 124, Section 8-7 of the General Statutes, 1958 Revision, as amended. Maps, plans, photographs, etc. should be included, if needed, to clarify the question at issue.

**2 ( ) To Apply for Variance Fee: \$210.00**

To apply for a variance of section (s) \_\_\_\_\_ of the Zoning Regulations  
of the Town of Newtown so as to permit \_\_\_\_\_

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- ( ) Explanatory statement, to be attached by applicant statement, should indicate exactly what is proposed as shown by maps, plans, photographs, etc. It should include specific statements on the following three requirements as specified in Chapter 124, Section 8-6 of the General Statutes, 1958 Revision, as amended:

- a. That "literal enforcement of such regulations would result in exceptional difficulty or unusual hardship,"
- b. That this is due "to conditions especially affecting such parcel but not affecting generally the district in which it is situated," and
- c. That the variance sought is "in harmony with the general purpose and intent" of the Zoning Regulations of the Town of Newtown.

**C. LOCATION OF AFFECTED PREMISES:**

Zoning District: \_\_\_\_\_

Street or Road Address: \_\_\_\_\_

Aerial Survey Map (in Tax Assessor's office): Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Subdivision Map (if any): Map No. \_\_\_\_\_ Lot (s) No. \_\_\_\_\_

Is the property located in the Aquifer Protection District? Yes \_\_\_\_\_ No \_\_\_\_\_

Owner of Property (if different from applicant):

Name (s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

**D. PREVIOUS APPEAL(S) OR APPLICATION(S):**

List all prior appeals which relate to this property in whole or in part. If this is the first, please enter none.

Date \_\_\_\_\_ Date \_\_\_\_\_ Date \_\_\_\_\_

Docket No. \_\_\_\_\_ Docket No. \_\_\_\_\_ Docket No. \_\_\_\_\_

**E. DESIGNATION OF AGENT OR ATTORNEY**

It is not necessary for an applicant to be represented by either an agent or an attorney. A property owner should be able to present his or her own case. However, if an agent or attorney is retained, the fact must be so stipulated below.

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

As ( ) Agent ( ) Attorney

Name \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

As ( ) Agent ( ) Attorney

Name \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

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

I (We) hereby declare that all information in the foregoing application, and in attachments submitted herewith, is accurate and complete to the best of my (our) knowledge and belief.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

## **NOTIFY ABUTTERS OF PUBLIC HEARING**

- A. Notify all abutters by mail who own land within a 500' radius of the parcel.
- B. Obtain a list of abutters which can be found on the Town website under Technology/GIS.
  - a. Go to newtown-ct.gov
  - b. Click on Government
  - c. Click on Tax Assessor
  - d. Click on Maps (in the blue on the left-hand side)
  - e. Click on Interactive Mapping
  - f. Click on Search (in the graphic and property information application toolbar)
  - g. Enter house number
  - h. Select street name
  - i. Click on Find
  - j. Click on Zoom to GIS
  - k. Click on the highlighted parcel
  - l. Locate Generate Mailing List and enter required number of feet (500)
  - m. Click on Submit
- C. Add the abutters' addresses to Post Office Form "PS Form 3665" and have the form stamped and processed at the Post Office.
- D. Mail the "Notification Form" to each abutter at least ten days prior to public hearing date.
- E. Submit "PS Form 3665" and the notarized "Affidavit" at or before the public hearing.

## NOTIFICATION FORM

Dear \_\_\_\_\_

Be advised that \_\_\_\_\_  
(Applicant)

has applied for a \_\_\_\_\_ for a property located at:  
(Variance, Special Permit, or Certificate of Location Approval)

\_\_\_\_\_  
(Property address)

\_\_\_\_\_  
(Map) (Block) (Lot)

The proposal is for: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Newtown Zoning Board of Appeals will conduct a public hearing on this proposal.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

You are being notified because your property is within 500 feet of the proposed application.

The application is on file in the Zoning Board of Appeals Office, Land Use Agency, Newtown Municipal Building, 3 Primrose Street, Newtown, CT 06470. The Land Use Agency may be contacted at 203-270-4276.

(To be completed by applicant)

## AFFIDAVIT

Application of \_\_\_\_\_

Application Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The undersigned, being duly sworn, deposes and says:

1. I have mailed a notice of the time and place of the public hearing scheduled for the subject application, as required by the Town of Newtown Zoning Board of Appeals to persons who are owners of land, which is included in or within 500 feet of the land, which is the subject of the hearing.
2. The date of the mailing of such notice was \_\_\_\_\_ 20\_\_\_\_\_
3. The names and addresses of the required property owners were determined by reference to the records of the Newtown Tax Assessor.

\_\_\_\_\_  
*Applicant or Designated Agent*

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
*Commissioner of the Superior Court*  
*Notary Public*

*My Commission Expires* \_\_\_\_\_



# Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>			
	Postmaster, per (name of receiving employee)					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.						
2.						
3.						
4.						
5.						
6.						

## Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).



## **Zoning Board of Appeals**

### **What is a Hardship?**

#### **A hardship is...**

- **Land-Based**

Topography of the property (steep slopes), the presence of wetlands, or lot width may constitute a hardship, because they have to do with the physical features of the land. A Variance may be granted in “the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved” [Newtown Zoning Regulations 12.01.220].

- **Unique**

“Conditions especially affecting such parcel but not affecting generally the district in which it is situated” [C. G. S. § 8-6(a)] may constitute a hardship. A case in “which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the district” [Newtown Zoning Regulations 12.01.221] may constitute a hardship.

- **Evidenced**

A current, original A-2 survey must show the location of the hardship on the property, and the proposed structures requiring the Variance.

#### **A hardship is not...**

- **Personal**

A hardship “shall not be personal in nature to the person who applied for and received the variance” [C. G. S. § 8-6(b)] and “the hardship caused by the application of zoning regulations [must relate] to the property for which the variance is sought and not to the personal hardship of the owners.” [Garibaldi v. Zoning Board of Appeals, 163 Conn. 235, 238, 303 A.2d 743 (1972)].

- **Financial**

“Considerations of financial disadvantage—or, rather, the denial of a financial advantage—do not constitute hardship, unless the zoning restriction greatly decreases or practically destroys [the property's] value for any of the uses to which it could reasonably be put” [Rural Water Co. v. Zoning Board of Appeals, supra, 287 Conn. at 295].

- **Self-created**

“It is also well established that self-inflicted hardship which arises because of individual actions by the applicant will not provide a zoning board of appeals with sufficient reason to grant a variance” [Verillo v. Zoning Board of Appeals of Branford, 2014].

- **Anything that increases an existing non-conformity**

“The accepted policy of zoning [...] is to prevent the extension of nonconforming uses” [Town of Guilford v. Horton H. Landon, 1959].

- **A comparison with neighbors**

*If you have documented protected class status under the Americans with Disabilities Act (ADA), please visit <https://www.ada.gov/> for more information.*