

## ZONING BOARD OF APPEALS

### TOWN OF TRUMBULL

1. Regular meetings of the Board are held on the first Wednesday of each month at 7:30 p.m., at the Trumbull Town Hall, unless otherwise stated in published legal notice; applications must be submitted 21 days prior to this date.
2. Six (6) copies of this application (including the original), complete with signatures, must be submitted.
3. Each applicant is required to:
  - a) Mail a written notice (sample form attached) by First Class Mail to the owners of property within a radius of 150 feet, including those abutting the subject Lot as well as across the street for applications in Residence Zones; and
  - b) Within two hundred fifty (250') feet of the subject Lot for applications in all other Zones;
  - c) Said notice shall be mailed no less than twelve (12) days prior to opening of any public hearing before the Board;
  - d) No less than five (5) days prior to the opening of the public hearing, the applicant shall submit a list of all property owners to whom the notice has been sent;
  - e) The mailing of notices shall be evidenced by a Certificate of Mailing from the United States Postal Service (Form #3877).
4. A fee (cash, or check payable to TOWN OF TRUMBULL) shall be submitted with this application, in accordance with the following:

Residential Property (as shown on Zoning Map)	\$ 200.00
Commercial and Industrial Property (as shown on Zoning Map)	\$ 460.00
5. Six (6) copies of plot plans drawn to scale by a licensed land surveyor must accompany every application. The plot plan must be certified, sealed, and drawn to Class A-2 standards. The plot plan shall include the following:
  - a) Lot in question;
  - b) Dimensions and location of existing building(s), if any;
  - c) Dimensions and location of proposed construction, including distances to side, rear, street line, and any existing buildings;
  - d) Trees and wooded areas affecting application;
  - e) Location of existing streets, sidewalks, curbs, driveways, and parking areas;
  - f) Width and location of all easements, if any;
  - g) Existing watercourses;
  - h) Any other features of the subject property, including swimming pools, tennis courts, gazebos, fences, etc.
  - i) Building setback lines as required by Zoning Regulations;
  - j) That part of any building on adjoining lots that is located within 25 feet of the lot in question;
  - k) If sign variance is sought, include location and square footage of existing as well as proposed signs.

6. If you are constructing a new building, or if an addition is to be constructed to an existing building, proposed architectural floor plans showing, the new building, or addition (including porches, decks, etc.) together with building elevations showing each of the 3 or 4 views shall be submitted (6 copies of each set of architectural drawings or sketches). These drawings or sketches must be drawn to scale and overall length, width, and height of the building, addition, or appurtenances shall be clearly depicted and dimensioned. All drawings/sketches shall have a title block (see attached illustrative elevation views and title block for these requirements).
7. A copy of the deed for the subject property
8. A copy of the field card for the subject property.
9. The Applicant or its Designated Agent must be present at the hearing.
10. Letters from surrounding property owners and/or photographs of the site are not required but are often very helpful to the Board in evaluating the merits and/or illustrating the site specific hardship that forms the basis of the application for the requested waiver.

#### WHAT TO DO AFTER YOUR CASE IS ANNOUNCED

1. Proceed to the podium, speak directly into the microphone and state your full name and address and interest in the property. (Owner, Agent, Attorney, etc)
2. Explain your application and what you perceive your hardship to be in a brief manner.
3. Submit to the Board any signed letters and/or petitions you may have from neighbors.
4. Offer to answer questions from Board members.

FAILURE TO COMPLETE THE APPLICATION OR TO PROVIDE THE REQUIRED INFORMATION  
WILL RESULT IN DENIAL BY THE ZONING BOARD OF APPEALS.

## HARDSHIP: WHAT IS LEGALLY REQUIRED

To determine and vary the application of the zoning regulations, but only in harmony with the general purpose and intent of the regulations and only with respect to a parcel of land having unusual conditions, not generally encountered within the zoning district, which would make development in full accordance with the regulations extremely difficult. In legal terms, the conditions must be such as to cause “exceptional difficulty or unusual hardship.”

Variances of the zoning regulations may be granted only “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.”

The courts have strictly interpreted the variance requirements set forth in C.G.S. §8-6, and they have sustained several appeals from decisions in which variances were improperly granted. Financial considerations are rarely a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. In addition, the fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient. The hardship must arise from the operation of the regulations on the land, not on the landowner, and the land must be “peculiarly disadvantaged” by the regulation for which a variance is sought.

**SAMPLE FORM LETTER**

Date:

Name:

Address:

Re: Application of:           **(Applicant's name)**          

**(PROPERTY ADDRESS, SUBJECT OF THE APPLICATION)**

Dear \_\_\_\_\_:

As an abutting property owner, I would like to inform you that I have filed an application before the **Zoning Board of Appeals** of the Town of Trumbull for a           (type of application)           for my property.

My application is to allow: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you, or your representative, have any interest in my application, you are invited to attend the **Zoning Board of Appeals Public Hearing** to be held in the Trumbull Town Hall at 7:30 p.m. on           (date of public hearing)          .

Copies of the plans and documentary material relative to my application are on file in the Planning and Zoning Office at the Trumbull Town Hall and may be inspected by you or your representative during regular business hours.

You may speak at the public hearing or submit written evidence to the Board concerning this application prior to the public hearing.

If you have any questions, please feel free to call either myself,           (your name)           at           (your phone number)          , or the Planning and Zoning Office at 452-5047.

Very truly yours,

Application #: \_\_\_\_\_

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

**ZONING BOARD OF APPEALS**

**APPLICATION FOR HEARING:**

1. The purpose of this application is for the following:
  - A. Variance of the Trumbull Zoning Regulations \_\_\_\_\_
  - B. Appeal from Order of the Zoning Enforcement Officer \_\_\_\_\_
  - C. Approval of Location for a Gasoline Station, Limited Repairer's License or General Repairer's License. \_\_\_\_\_

2. Location of Subject Premises:

House and Street: \_\_\_\_\_

Assessor's Map No. \_\_\_\_\_ Parcel No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Trumbull Land Records: Volume(s) \_\_\_\_\_ Page(s) \_\_\_\_\_

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

3. Name of Applicant: \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: Day \_\_\_\_\_ Evening \_\_\_\_\_
- Email: \_\_\_\_\_

SIGNATURE OF APPLICANT \_\_\_\_\_  
(If agent, state capacity)

4. Owner of Record: \_\_\_\_\_
- Address: \_\_\_\_\_
- SIGNATURE OF OWNER OF RECORD \_\_\_\_\_

Please complete the following sections which correspond to your answer  
In question #1 above:

A. VARIANCE OF THE TRUMBULL ZONING REGULATIONS

1. This application relates to:  
\_\_\_\_\_ Setback (front, side, rear)  
\_\_\_\_\_ Floor Area  
\_\_\_\_\_ Lot Area  
\_\_\_\_\_ Lot Coverage  
\_\_\_\_\_ Damage Reconstruction  
\_\_\_\_\_ Parking  
\_\_\_\_\_ Extension of enlargement of non-conforming use or building  
\_\_\_\_\_ Other (explain)

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2. List Article, Section, paragraph and subparagraph of the Zoning Regulations for which variances are requested:

ARTICLE(S) \_\_\_\_\_ SECTION(S) \_\_\_\_\_ PARAGRAPH(S) \_\_\_\_\_

SUBPARAGRAPH(S) \_\_\_\_\_

3. Has any previous application been submitted for this property? If so, please give date of hearing and action taken by the Board:

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NOTE: The Board is not required to hear any application for the same variance or substantially the same variance for a period of six months after the date of decision by the Board or by the Court on an earlier application.

4. Explain the requested variance; PLEASE INDICATE DISTANCES FROM PROPERTY WHERE APPLICABLE: \_\_\_\_\_

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5. Section 8-6 of the Connecticut General Statutes requires that the applicant must show that a literal enforcement of the Zoning Regulations would result in exceptional difficulty or unusual hardship owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated. Please state the difficulty or hardship which you claim in support of this application:

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B. APPEAL FROM ORDER OF THE ZONING ENFORCEMENT OFFICER

1. List the date of the Cease and Desist Order being appealed (and submit copy of the letter):

\_\_\_\_\_

2. List Article, Section, paragraph and subparagraph of the Zoning Regulations regarding your appeal:

ARTICLE(S) \_\_\_\_\_ SECTION(S) \_\_\_\_\_ PARAGRAPH(S) \_\_\_\_\_

SUBPARAGRAPH(S) \_\_\_\_\_

3. Explain and state the basis for appeal of the decision of the Zoning Enforcement Officer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. APPROVAL FOR LOCATION OF GASOLINE STATION/LICENSE

1. Approval of Location is for the following:

- a) Gasoline Station \_\_\_\_\_
- b) Limited Repairer's License \_\_\_\_\_
- c) General Repairer's License \_\_\_\_\_

2. Indicate below if this application is a license renewal, and give a brief history of the uses of the property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What are the proposed hours of operation? \_\_\_\_\_

4. Will any vehicles being repaired be stored outside? \_\_\_\_\_

If yes, please specify the number of vehicles to be stored outside, location, and duration that they will be stored:

\_\_\_\_\_  
\_\_\_\_\_

5. Applications pertaining to gasoline station location and/or new construction must include a site plan showing location of buildings, pumps, exits and entrances, signs, lights, and landscaping.

6. Applications pertaining to licenses must be accompanied by Connecticut Motor Vehicle Department forms to be signed by the Board.