

Town of Somers Zoning Board of Appeals RULES AND REGULATIONS

A. GENERAL PROVISIONS

Appointment – The Zoning Board of Appeals (ZBA) was established in accordance with Section 5-8 of the Somers Town Charter and Section 8-5 of the CGS.

Powers And Duties - The Zoning Board of Appeals shall have the following powers and duties prescribed by the CGS, including but not necessarily limited to Section 8-6.

Meetings - The Board shall keep minutes of its proceedings, showing the vote of each member upon each matter. 1. Each order, requirement or decision of the Board shall be filed in the Zoning Department and shall be a public record.

B. VARIANCES

Authority - The Zoning Board of Appeals may vary the application of the zoning regulations as provided in CGS Section 8-6.

Application Requirements –

1. A Variance Application shall be accompanied by sufficiently detailed plans for review by the Board and its designees.
2. An accurate and detailed plan drawn to scale is required showing the type and the degree of the variance requested, however, the ZBA may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when the variance is dimensional in nature or such survey is integral to the understanding of the application.
3. An application to the ZBA shall be accompanied by a fee as provided in the Town fee ordinance.

Proceedings -

1. Not less than fifteen (15) days before the subject hearing, the applicant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 100 feet of the appellant's property, as determined from the latest real estate Grand List of the Town in the Tax Assessor's Office, and
2. At the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.

Decision Considerations – The following should be evaluated by the ZBA when considering a variance application:

1. It is in harmony with the general purpose and intent of these Regulations.
2. With due consideration for conserving the public health, safety, convenience, welfare and property values, and
3. So that substantial justice shall be done and the public safety and welfare secured.

C. APPEALS OF ZONING ENFORCEMENT OFFICER ORDERS

Application Materials –

1. Any such appeal shall be taken within fifteen (15) days of the issuance of the order, requirement, or decision by filing a notice of appeal on the application forms provided by the Town with the Zoning Enforcement Officer and the Zoning Board of Appeals specifying the grounds thereof.
2. An appeal shall be accompanied by a fee as provided in these Regulations.
3. The Zoning Enforcement Officer shall forthwith transmit to said Board all the papers constituting the record upon which the appeal from was taken.

Effect of Appeal – If the Zoning Enforcement Officer certifies to the Board of Appeals that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the Zoning Enforcement Officer and on due cause shown.

Considerations – Per CGS Section 8-7:

1. The Board shall have all the powers of the Zoning Enforcement Officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
2. The Board shall make such order, requirement or decision as in its opinion should be made in the circumstances.
3. The Board may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
4. The concurring vote of four (4) members of the Board shall be necessary to reverse, affirm partly, or modify any order, requirement, or decision of the official charged with the enforcement of the Regulations.

D. APPLICATION SUBMITTAL REQUIREMENTS

Applications to the ZBA shall be submitted to the Land Use Department.

Applications shall be submitted on forms obtained from the Land Use Department for the type of application being submitted.

Applications shall be accompanied by the appropriate fee(s) as specified in the fee schedule adopted by the Town except that the ZBA or the Town shall be exempt from any application fee.

Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.