

**RULES AND POLICIES**

**OF THE**

**ZONING BOARD OF APPEALS**

**OF THE**

**TOWN OF RIDGEFIELD**

## **I. STATUTORY AUTHORITY**

The Zoning Board of Appeals derives its statutory authority from Section 8-6 and other pertinent sections of the Connecticut General Statutes.

## **II. PROCEEDINGS/TIMELINESS**

The proceedings of the Board shall be in accordance with Section 8-7 and other pertinent sections of the Connecticut General Statutes.

## **III. DATE(S) OF ADOPTION**

Unless otherwise noted, the date of adoption of these Rules and Policies was October 16, 2006. Notice of adoption was published in the Ridgefield Press on October 19, 2006.

## **IV. VOTING REQUIREMENTS**

1. For voting on variance and appeal petitions, the Board acts in accordance with Section 8-7 of the Connecticut General Statutes.
2. For all administrative matters, a simple majority is required.

## V. APPLICATION REQUIREMENTS

### A. VARIANCE APPLICATIONS:

Requirements for a complete application for a variance shall be provided to each applicant as part of an application package. Requirements shall also be published on the Zoning Board of Appeals section of the Town of Ridgefield website.

General requirements may be amended from time to time at the discretion of the Board or its administrator. Additional specific requirements may also be adopted by the Board.

The Board may, during any hearing, require additional information not specifically listed in the general requirements.

#### *General Requirements in effect as of 09.07.2006:*

1. A fully completed, three-page application form, consisting of
  - (a) General property information.
  - (b) A lot coverage, FAR and setback calculation sheet.
  - (c) A Review by the Zoning Enforcement Officer form.
2. Six copies of a plot plan showing the location of all existing and proposed buildings, with sizes drawn to scale. If setbacks are involved, a survey is required showing exact setback distances from the property lines to the nearest point of any existing structures and any proposed construction.
3. When construction is involved, six copies of drawings to scale showing elevations and floor plans. The size of these drawings shall not exceed 11" by 17".

#### *Specific Requirements Adopted:*

1. **Policy Concerning the Number of Applications to be Filed:**
  - (1) One application for a variance is required whenever a single property is involved and the request covers only one building or structure on the property.
  - (2) Separate applications are required for each building or structure if variances are needed for more than one building or structure on a single property.

**B. APPEALS OF ANY ACTION, DECISION OR REQUIREMENT MADE BY ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THE ZONING ORDINANCE.**

Requirements for a complete application for an appeal of any action, decision or requirement of any official charged with the enforcement of the zoning ordinance shall be provided to each applicant as part of an application package. Requirements shall also be published on the Zoning Board of Appeals section of the Town of Ridgefield website.

These general requirements may be amended from time to time by the Board or, with the Board's approval, its administrator. Additional, specific requirements may also be adopted by the Board.

The Board may, during any hearing, require additional information not specifically listed in these general requirements.

***General Requirements in effect as of 09.07.2006:***

1. A completed application form.
2. Six copies of the action, decision or requirement being appealed.
3. Six copies of a plot plan or survey of the property involved in the appeal, showing the location of all existing and proposed buildings, with sizes drawn to scale.
4. When construction is involved, six copies of drawings to scale showing elevations and floor plans. The size of these drawings shall not exceed 11" by 17".

***Specific Requirements:***

**NOTICE TO THE OFFICIAL BEING APPEALED:**

In accordance with the provisions of Section 8-7 of the Connecticut General Statutes, notice of the appeal shall be filed in a timely manner with the official whose order, decision or requirement is being appealed.

**APPEAL JOINED WITH A VARIANCE:**

In accordance with the provisions of Section 8-6a of the Connecticut General Statutes, an appeal may be joined with a request for a variance.

**TIME PERIODS FOR FILING AN APPEAL WITH THE BOARD:**

In accordance with Section 8-7 of the Connecticut General Statutes, the Board adopted the following rule regarding the time in which an appeal may be brought to the Board:

- (1) The time period for any appeal brought of any Cease and Desist Order issued by the Zoning Enforcement Officer or other appropriate party is fifteen (15) days.
- (2) The fifteen (15) day time period for appeals of Cease and Desist Orders commences on the date of mailing of a certified letter to the person claimed to be in violation, or on the date of service by a state marshal or other appropriate party.
- (3) The time period for any appeal brought of any other action, decision or requirement made by any official charged with the enforcement of zoning, not including Cease and Desist Orders, is thirty (30) days.
- (4) The thirty (30) day time period for the appeals outlined in (3) above commences on either the date of publication in a newspaper, if such publication is required; or the date such an order, decision or requirement is issued.

## **VI. FEES**

### **GENERAL**

The Board may modify its fee schedule periodically.

All fees must be paid at the time of application.

#### ***Current Fees:***

Application for a Variance:	
Single Family Residences	\$175.00
Multi-family Properties	\$200.00
Commercial Uses	\$250.00

Appeals of Orders, Decisions or Requirements: \$250.00

#### ***Appeals Joined with a Variance:***

When an appeal of the order, decision or requirement of the official charged with the enforcement of the zoning ordinance is combined with a request for a variance, the applicant shall pay the fee applicable to both actions, i.e. the fee for the variance plus the fee for the appeal.

### **OTHER FEES**

#### ***Copying Tapes:***

Copies of recorded tapes will be provided to any interested party upon written request. Such copies will be provided in a reasonable period of time. The Board may amend the fees for such service as it deems appropriate. Current fees are:

For a single-sided original tape	\$5.00
For a double-sided original tape	\$7.00

The blank tapes for duplication purposes will be provided by the Board's staff.

The duplicated tapes will be provided at the same speed of recording used on the original tape.

***Copying Documents:***

The Board's staff will provide, at a reasonable fee, copies of any documents permitted under current FOI statutes. Current fees are:

Standard documents:	50 cents per page
Maps up to 11" by 17":	50 cents per page
Large maps:	\$5 per sheet
Certification:	\$1 additional charge per document

***Returns of Record:***

As required by law, Returns of Record are provided to Danbury Superior Court. The Board will provide, at no charge, a copy of the index listing the complete contents of any Return of Record to any party involved in the appeal, as required by law. The Board will willingly provide a full copy of the Return of Record to any plaintiff, intervener or other interested party upon payment of the following charges. These charges may be changed by the Board in its discretion.

Copies of any transcripts in the Return of Record	\$1 per page plus \$1 certification
Copies of all other standard size (up to 11" x 17") exhibits and documents in the Return, non-certified:	\$.50 per page
Copies of documents or maps in excess of standard sizes which are able to be copied within Town of Ridgefield offices:	\$5.00 per page
For all other documents not able to be copied within Town of Ridgefield offices:	At cost

## **VII. APPOINTMENT OF OFFICERS:**

The Board shall appoint a Chairman and a Vice-Chairman. The Administrator of the Board shall act as its Clerk/Secretary.

### ***Terms Of Office:***

The Chairman and Vice-Chairman shall be elected for a twelve-month period. Elections shall be held at the first meeting in December of each year.

## **VIII. ALTERNATE MEMBERS**

The Board shall follow the requirements of Section 8-5a of the Connecticut General Statutes in its use of alternate members.

Each member may appoint his own alternate, if he so wishes. Otherwise the Chairman has designated to the Administrator the task of establishing a Rotation of Alternates and ensuring that it is followed. A full record of the Rotation shall be included in the minutes of all meetings held by the Board.

## **IX. VACANCIES**

### ***Resignations***

Any board member or alternate who wishes to resign between municipal elections shall notify both the Chairman and the Town Clerk in writing of his resignation.

### ***Authority***

Section 8-5 of the Connecticut General Statutes requires that the Board of Selectmen make any interim appointments upon the resignation of any Board Member or Alternate. The Ridgefield Town Charter Section 4-7, has designated this role to the Zoning Board of Appeals and requires that the person appointed be of the same political party as the member or alternate who has resigned.

### ***Time Period***

The Town Charter Section 4-7 provides that the appointment of a replacement shall be made within thirty days of the resignation of any member or alternate. If the Board fails to name a successor within thirty days, the Board of Selectmen shall thereafter make the appointment.

*Legal Notices*

As required by Section 4-7 of the Town Charter, a legal notice of the vacancy shall be published within ten days of the resignation. The Board shall thereafter interview any interested and eligible candidates. Following the appointment, the Board shall publish a legal notice and notify the Town Clerk and Board of Selectmen.

**X. NOTIFICATION OF ADJACENT PROPERTY OWNERS**

Section 8-7 of the Connecticut General Statutes allows the Board to establish the manner in which adjacent property owners are notified of upcoming ZBA hearings. The Board has established that notification shall be by legal notice published in a newspaper having substantial circulation in the Town of Ridgefield. Whenever possible, notice shall also be provided in the Zoning Board of Appeals section of the Town of Ridgefield website.

Notwithstanding the above, Board members may require individual notification of any adjacent property owner(s) during the course of any hearing.