

# BLACK POINT BEACH CLUB ASSOCIATION

## APPLICATION TO THE BLACK POINT BEACH CLUB ZONING BOARD OF APPEALS

1. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
2. Owner \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
3. Street Address of affected property \_\_\_\_\_
4. Zone \_\_\_\_\_ Assessor's Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_
5. Properties within fifty (50) feet of any lot line:
  - a. Name \_\_\_\_\_ Address \_\_\_\_\_
  - b. Name \_\_\_\_\_ Address \_\_\_\_\_
  - c. Name \_\_\_\_\_ Address \_\_\_\_\_
  - d. Name \_\_\_\_\_ Address \_\_\_\_\_
  - e. Name \_\_\_\_\_ Address \_\_\_\_\_
6. Is affected property within 500 feet of Town Line? Yes \_\_\_ No \_\_\_
7. Application relates to (check appropriate items):  
\_\_\_ Request for variance of following section(s) of zoning regulations \_\_\_\_\_  
\_\_\_ Alleged error in Zoning Official's action under section \_\_\_\_\_
8. If variance requested, describe exceptional difficulty or unusual hardship on which request is based. If error alleged, explain basis for allegation (See instructions (d) and (e). Attach statement if necessary.  
\_\_\_\_\_  
\_\_\_\_\_
9. Has any previous variance request or appeal relative to this property been filed with Board of Appeals?  
\_\_\_ No \_\_\_ Yes - Specify date \_\_\_\_\_

I hereby certify that the above information is true and correct to the best of my knowledge, and I authorize the members of the Zoning Board of Appeals to inspect the property in question.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**IMPORTANT:** Ten copies of the completed application form (original and nine copies) must be submitted to the Chair or the Secretary of the Zoning Board of Appeals accompanied by Ten (10) copies of the Zoning Official's action, **Ten (10) copies of the complete legal description of the property, a check in the amount of \$400.00 (variance), or \$300.00 (alleged error) made payable to "The Black Point Beach Club Association," and any additional information that may be appropriate.**

**THIS SPACE RESERVED FOR BOARD**

Date application received \_\_\_\_\_ Appeal No. \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Action \_\_\_\_\_

# BLACK POINT BEACH CLUB ASSOCIATION

## INSTRUCTIONS FOR ZONING BOARD OF APPEALS APPLICATION

- a.) Meetings of the Board are held at such times and place as the caseload warrants and the Chair designates. All public hearings will be held within 65 days following receipt of application.
- b.) Ten copies of the completed application form (original and nine copies) must be submitted to the Chair or the Secretary of the Zoning Board of Appeals accompanied by Ten (10) copies of the Zoning Official's action, Ten (10) copies of the complete legal description of the property and a check in the amount of \$400.00 (variance), or \$300.00 (alleged error) made payable to "The Black Point Beach Club Association."
- c.) All pertinent questions must be answered. When additional space is needed, attach separate sheet. Floor plans, sketches, photos or other illustrative material should be added when desirable.
- d.) In item 8, applicants should understand that terms **"exceptional difficulty" and "unusual hardship"** refer to an inability to make reasonable or practical use of property in a manner that conforms to the Association's zoning regulations.

"The zoning board of appeals may vary the application of the Zoning Regulations when it determines that such action is in harmony with their general purpose and intent, 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 regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured by granting the variance. In making a determination on a variance, the zoning board of appeals shall include consideration of the following issues:

1. The extent to which the applicant has demonstrated that exceptional shape, size, topography or other unique characteristics of the site requires a variance from a literal enforcement of the Zoning Regulations
2. Whether the exceptional difficulty or unusual hardship claimed has been created by the owner or the person or persons requesting the variance
3. Whether the variances requested will adversely affect the neighborhood and whether they will be in harmony with the purpose and intent of the Zoning Regulations
4. Whether the applicant has shown that there is no reasonable alternative other than to grant the requested variance(s)
5. Whether economic hardship is the only basis for requesting the variance".

- e.) When an applicant enters an appeal charging the Zoning Enforcement Official with error in item 8, a detailed explanation of the basis for the allegation must be attached.
- f.) A variance becomes effective when a copy has been filed in the Town Clerk's Office and has been recorded in the Town's land records. That applicant must initiate this action.
- g.) All appeals from the Zoning Official's decisions must be filed with the Chair or Secretary of the Board within 30 days of the date of the action from which the appeal is entered. There is no similar time limit by which a request for variance must be presented.
- h.) Appeals from the Board's decision may be taken to the Superior Court within 15 days of the date when notice of decision is published in a newspaper.
- i.) Although applications may be submitted to the Board by mail (Zoning Board of Appeals, P.O. Box 715, Niantic, CT 06357), being filed in person with the Chair or Secretary is encouraged whenever possible.
- j.) Applicant or representative must be present at public hearing.