

**INSTRUCTIONS and GENERAL INFORMATION
EAST HAVEN ZONING BOARD of APPEALS**

By Law, the only authority that can grant relief or vary the Zoning Regulations is the Zoning Board of Appeals; and that Board is only authorized to grant a variance *in cases or instances where adherence to the Regulations will cause "practical difficulties" or an "unusual or undue hardship"*.

The Z.BA meets **every third Thursday of the month** (Except December) and you or a representative must be present to make your presentation to the Board. If you are NOT present, the application will be denied.

By Law, every Variance or Appeal must have a Public Hearing and, by Law, all public hearings have to be advertised in a newspaper. Therefore, your application must be submitted to this office **NO LESS THAN TWENTY FIVE (25) DAYS PRIOR TO THE DAY OF THE MEETING** so that the advertising can be prepared and sent to the paper.

Note: There are absolutely no exceptions to this rule under any condition.

If your submission is not timely, it will be put on the following month's agenda. There will be no further reminders or notification of the date your application is scheduled to be heard by the Board. If you are unsure of the date, time or location of your hearing, please contact the Zoning Office at 468-3357 for assistance.

PROCEDURES FOR SUBMISSION of a VARIANCE APPLICATION

To avoid any problems that may result in a "procedural denial", please follow the instructions below.

Each application package will consist of **9 (nine) collated sets containing:**

- A. A fully completed and signed Variance application form (attached) and
- B. A copy of your property deed (available from Town Clerk's Office) and
- C. A copy of the Assessor's card (assessor's office) for the property and
- D. An A-2 survey of the property, stamped by a licensed surveyor, or

For variances involving "minor projects" the Board may accept a neat, hand drawn or computer generated survey plan; scaled at 1 inch = 20 feet. This drawing must include all structures, pools, garages, sheds and fences on the property. It must include a directional arrow showing "true north" and it must provide accurate distances of all existing and proposed structures from the property lines and street lines.

The Board maintains the right (through this office) and the authority to **REJECT** any "hand drawn" or "non professional" survey plan if the proposal is deemed significant in size or importance to warrant an A-2 survey; or if the submitted drawing is not to scale or improperly drawn or presented.

If a "non professional" survey is accepted and used, the **property owner** is solely responsible for the accuracy this survey and of all measurements and/or distances shown in the event of a legal challenge. Any error and or omission in the information or measurement distances submitted by the property owner can void the application or the approved variance.

NOTIFICATION and PROOF: In addition to the legal advertising, our regulations require the owner/applicant of the subject property to notify by certified mail, the abutting neighbors (across the street and on both sides of your property). The notification will inform them you are seeking a variance, along with the date, time and location of your hearing. This notification must be done not more than **15**, but no less than **10** days before the date of your hearing.

PROOF of notification of your neighbors is required by returning the POST OFFICE CERTIFICATE of MAILING (receipt) to this office no less than **2** days prior to the meeting.

** THESE 9 COLLATED SETS SHOULD NOW BE NEATLY FOLDED SO THAT THEY FIT IN 8.5" X 11" ENVELOPES.

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[3] **POSTING of PREMISES:** The owner/applicant is required to post a “notification poster” provided by this office] containing information of the day, date, time and location of the HEARING. This poster must be located in a conspicuous and visible location at least **10** days prior to the meeting. **NOTE:** Non-compliance with steps 2 and/or 3 will result in a **DENIAL** of your application, requiring you to RE-SUBMIT and RE-PAY.

[4] C.A.M. [coastal area management] All variance applications for properties South of Main Street must be reviewed and signed off by the Town Engineer to see if a "CAM. REPORT is required [item #9 on this application]. **It is the applicant's responsibility to have his application reviewed!**

[5] **HARDSHIP and/or UNUSUAL CIRCUMSTANCE:** By Law, to be eligible for a variance there **MUST** be a **HARDSHIP** or **UNUSUAL CIRCUMSTANCE** existing **ON THE LAND** [not a personal hardship] to qualify for a variance. **Simply put, no hardship, no unusual circumstance = no variance.**

[6] **DATE of SUBMISSION:** As stated above: This Office **must** have the completed applications **NO LESS THAN 25 (TWENTY FIVE) DAYS PRIOR TO THE MEETING-** There is absolutely **NO** exception to this rule.

[7] **USE VARIANCES:** Require a **FAVORABLE REPORT** from **PLANNING & ZONING** before the **Z.B.A.** can vote on the application. On occasion, this may result in a delay of a decision from the Board.

[8] FEES: The associated fees pay for the legal advertisement:	
RESIDENTIAL VARIANCE	\$ 100.00
RESIDENTIAL, TWO or MULTI-FAMILY	\$ 200.00
RESIDENTIAL LOT SPLIT	\$ 200.00
COMMERCIAL or INDUSTRIAL RELATED VARIANCE	\$ 200.00

Your variance application will be heard at a Public Hearing and the official notification of the Board's decision will be sent to you via the mail. If it is "granted", there is a 15 day appeal period. When you receive your official notification, you must bring this document to be recorded in the **TOWN CLERK'S** office so the variance can go on your properly deed and to make the variance official. Remember: you are still required to take out a **ZONING PERMIT** before starting the project or the use.

The East Haven Zoning Regulations stipulate that any **USE VARIANCE** be initiated **ONE YEAR** from the date of the Variance or it becomes null and void.

After reviewing these instructions and the variance application, if you still have questions, feel free to contact the Zoning Office for assistance. The completeness and accuracy of the application is **JUST AS IMPORTANT** as the application itself. This Office **DOES NOT** and **WILL NOT** provide you with "hardships" or speculate on "you chances" of getting your variance approved so, please, **DON'T ASK.**