

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 ZBA 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 must 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 months 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 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 10 collated sets containing:

- A) A fully completed and signed Variance 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 "nonprofessional" survey plan if the proposal is deemed significant in the size or importance to warrant an A-2 survey; or if he 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 measurements 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 notifications 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 10 COLLATED SETS SHOULD NOW BE NEATLY FOLDED SO THAT THEY FIT 8 ½ "X 11" ENVELOPES.

1. **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 our application, requiring you to RE-SUBMIT and RE-PAY.**

2. C.A.M. [coastal area and management] All variance applications for the properties South of Main Street must be reviewed and signed off by the Town Engineer to see if a C.A.M REPORT is required [item #9 on this application]. It is the applicant's responsibility to have their application reviewed!
3. **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.
4. **DATE of SUBMISSION:** As stated above ; This Office must have the completed applicants NO LESS THAN TWENTY FIVE (25) DAYS PRIOR TO THE MEETING. There is absolutely NO exception to this rule.
5. **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.
6. **FEES:** The associated fee pays for the legal advertisement.

<u>VARIANCE:</u> RESIDENTIAL, 1 & 2 FAMILY	\$130.00
<u>VARIANCE:</u> COMMERCIAL, MULTI-FAMILY, LOT SPLIT	\$230.00

Your variance application will be heard at a Public Hearing and the official notification of the Board's decision will be sent 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 property 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 there 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 “your chances” of getting your variance approved so, please, DON'T ASK.

**TOWN of EAST HAVEN -
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

Appeal Number _____ Date _____ Application Fee _____

1) Property Location: _____

2) Assessor's Card Info:

Zoning District _____ Map #: _____ Block #: _____ Parcel #: _____

3) Property Owners Information:

Name: _____ Phone #: _____

Address: _____

4) Applicant's [if different from owner] information:

Name: _____ Phone #: _____

Address: _____

5) Complete description of work to be done _____

6) Variances required: _____

7) Strict application of Regulations would produce an UNUSAL circumstance or an UNDUE
HARDSHIP on the land/property. Describe this condition [this section must be completed]

8) Has this property ever received a previous variance(s): YES [☐] NO [☐]

If "yes" when was it received _____

- 9) Will the granting of this Variance lead to the creation of any addition dwelling units?
YES [] NO []

ENGINEERING DEPARTMENT INFORMATION

- 10) It is the applicant's responsibility to have a representative of the ENGINEERING OFFICE {located on North High Street, 2nd floor of the Public Works building} review and sign-off on this portion of the variance APPLICATION **BEFORE** returning it to the Zoning Office.

- (a) C.A.M. Approval required? YES [] NO []
(b) FLOOD & EROSION Approval required? YES [] NO []
(c) INLAND/WETLAND approval required? YES [] NO []

Signature of Town Engineer or Authorized Agent

Date

- 11) Signature of Applicant/ Owner: _____

BOARD & STAFF USE ONLY

Variance Application: [] Granted [] Granted w/ Conditions [] Denied

Conditions Imposed: _____

Reason for decision: _____

Chairperson: _____

Date: _____