

## SECTION 19 - ZONING BOARD OF APPEALS

- 19A. The Zoning Board of Appeals shall have the powers and duties as set forth in Section 8-6 of the Connecticut General Statutes of Connecticut, as amended from time to time.
- 19B. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in zones in which such uses are not otherwise allowed.
- 19C. Any appeal or application addressed to the Zoning Board of Appeals (ZBA) shall be on a form prescribed by the ZBA accompanied by the required fee, written evidence of the applicant's interest in the subject property (deed, lease, purchase option, etc.) and three copies of a plot or site plan with the following information:
- 19C.1 Applicant's name and address together with names of any other parties involved.
  - 19C.2 Location of the property and names and addresses of all current property owners within five hundred (500) feet, as shown in the records of the Town Assessor.
  - 19C.3 Descriptions of the hardship claimed and of the variance or action requested, including the specific paragraph of the zoning regulations to be varied.
  - 19C.4 Statement of any previous request for any similar variance and its disposition.
  - 19C.5 A concise statement of appeal (if applicable), indicating why a decision or action of the Zoning Enforcement Officer should not be sustained. Such statement, plus all associated information, must be submitted within thirty (30) days of the date of the action being appealed.
- 19D. Supplemental Notice;
- 19D.1 Posting of Sign. No less than ten (10) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any request for Variance. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the general nature of the application; and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. An information sheet providing specifications for the construction of the sign shall be available

in the Land Use Office. No sign need be posted for the continuation of a public hearing once it has opened.

19D.2 Notice to Abutting Landowners The applicant shall also notify all landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time, place of the public hearing of the Board, and general nature of the application at which said Variance is to be considered, such form of notice to be provided by land use staff.. The applicant shall mail such notice at least ten (10) days preceding the date of said hearing, and shall submit to the ZEO certificates of mailing of the abutter notices. No notice shall be required for the continuation of a public hearing once it has been opened.

19E. Findings; Action by Board:

After conducting a public hearing according to statutory requirements, the Zoning Board of Appeals may grant or deny the appeal within limits established by the Connecticut General Statutes and by these Regulations, as amended from time to time. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist:

- 19E.1 That if the owner or applicant complied with the provisions of these regulations, the owner or applicant would not be able to make any reasonable use of the property.
- 19E.2 That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same zone.
- 19E.3 That the hardship was not the result of the owner's or applicant's own action.
- 19E.4 That the hardship is not merely financial or pecuniary.