



Office Use Only

Project# \_\_\_\_\_  
Address: \_\_\_\_\_  
MBL: \_\_\_\_\_

## **Minimum Requirements for Submission of Application to Zoning Board of Appeals for Variance**

*This form must be submitted with your application*

**Please check all that are being submitted:**

- Completed Application Form
- Fee Paid
- Hardship Statement (See Handout)
- A-2 Survey of Property Including Proposed Variance – 4 Full Size Copies
  
- Certificate of Mailing Receipts (Return to us 5 Days prior to Hearing) - Date Submitted: \_\_\_\_\_
- Copy of Letters Sent to Abutters (Send 10 days prior to Hearing) – Date Submitted: \_\_\_\_\_
- Photo of 10 sq. ft. Sign Posted (Post 15 days prior to Hearing) – Date Submitted: \_\_\_\_\_

*I certify that this application is complete.*

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**The Board reserves the right to add additional requirements in accordance with the State Statutes.**

***Only Complete Application Packages Will Be Accepted***



**Application for  
Zoning Board of Appeals  
Variance**

**Fee \$160 (State Fee Included)**

Cash / Check#: \_\_\_\_\_

Date Paid: \_\_\_\_\_

Received by: \_\_\_\_\_

Application #

Property Address \_\_\_\_\_

Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Zone \_\_\_\_\_ Acres \_\_\_\_\_

Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Email (required) \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Email (required) \_\_\_\_\_

Variance requested: Section \_\_\_\_\_ of the Zoning Regulations

Variance relates to:	Setbacks: (Front / Rear or Side)	Required: _____	Proposed: _____
	Lot Coverage:	Required: _____	Proposed: _____
	Height:	Required: _____	Proposed: _____

Description of the Project \_\_\_\_\_

Strict application of the regulations would produce undue hardship because (Definition of a hardship on back):

The hardship created is unique and not shared by all properties alike in the neighborhood because:

Signature(s): Applicant \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Date \_\_\_\_\_

***“The Board (ZBA) shall consider the character and use of adjacent land and buildings, the number of people residing or working in the vicinity and traffic conditions on neighboring streets, and no variance shall be granted that is injurious or detrimental to the neighborhood or the general safety and welfare.”***

## **WHAT IS A VARIANCE?**

A Variance is authority extended to the owner to use his property in a manner forbidden by the zoning regulations. A Variance does not create a change of zone for a particular parcel, but authorizes the landowner to use his property in a manner prohibited by regulations.

### **PLEASE NOTE:**

**ALL APPLICATIONS TO THE ZONING BOARD OF APPEALS MUST STATE A HARDSHIP IN ORDER TO BE CONSIDERED FOR A VARIANCE.**

## **WHAT IS A HARDSHIP?**

A hardship is a peculiar or unique feature of a particular piece of property that **PREVENTS** the landowner from making a **reasonable use** of the property in conformance with the existing zoning regulations. A hardship has nothing to do with the personal circumstances of the landowner. The fact that the owner might be able to make a more profitable use of the land, if it were not for the zoning regulations, does **NOT** equate to hardship. **Proof of a true hardship is a legal requirement for a zoning board of appeals to issue a variance.**

### **State of Connecticut General Statutes Section 8-6**

- Financial considerations are NOT a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. **The fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient.**
- **Self-created hardship is not sufficient grounds for granting a variance;** i.e., the landowner must not have taken any action that caused the hardship to occur. In some cases, the simple fact that a landowner purchased his or her property with knowledge of the zoning restrictions may prevent a valid claim of hardship. When a condition which results in the hardship is due to one's own voluntary act, **the zoning board is without the power to grant a variance.**
- The hardship must arise from the operation of the regulations on the land, not **on the landowner**, and the land must be 'peculiarly disadvantaged' by the regulation for which the variance is sought.
- **Disappointment in the use of property** does not constitute exceptional difficulty or unusual hardship and a variance should not be granted unless it is in harmony with the general purpose and intent of the zoning ordinance.
- A hardship resulting from the peculiar topography or condition of the land, or a peculiar location **which makes the property unsuitable for the use permitted in the zone in which it lies**, may well be such a hardship as is contemplated by the ordinance.

## REQUIREMENTS

### Section 9.4.E – Minimum Accuracy Standards for Maps:

All maps, plot plans and surveys shall be prepared by a Connecticut licensed land surveyor and shall be certified by the preparer to be a map of “A-2” accuracy.

### Section 9.4.F – Required Notification:

1. The applicant shall be responsible for all notification requirements except the legal advertisement, which shall be placed by the Town pursuant to Connecticut General Statutes.
2. For all matters requiring action by the Planning & Zoning Commission, Inland Wetland and Watercourses Agency, or the Zoning Board of Appeals the applicant shall be responsible for the following notifications:
  - a. Notification to each owner of property abutting the land which is the subject of the hearing, as their names and addresses appear in the most recent Grand List of the Town Assessor, by United States First Class mail, evidenced by a Certificate of Mailing issued by the United States Postal Service. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing, and the Applicant shall submit to the Town Planner, at least five (5) days prior to such hearing, evidence of such mailing.
  - b. A sign or signs shall be placed on the subject property, at least fifteen (15) days prior to the meeting at which the proposal shall be heard. The sign(s), which shall be no less than ten (10) square feet in area, shall state the following: **THIS PROPERTY IS SUBJECT TO ACTION BY THE ZONING BOARD OF APPEALS**, the date, time and place of the meeting. Such sign(s) shall be of durable material(s), have black letter two (2”) inches (minimum), white background, shall be located so as to be clearly visible from the public street nearest the front of the property. Signs posted shall be no further apart along public streets than five hundred (500’) feet. All signs shall be placed at the applicant’s expense and shall be removed immediately after the appeal period (fifteen (15) days) has expired.

### Section 9.4.G – Procedure upon Approval of Proposal:

Upon approval of any proposal, and following any appeal period applicable, the applicant shall seek to obtain all relevant permits from the Land Use and Building Department. Applicants for building and zoning permits shall be made available and upon payment of all applicable fees and compliance with all relevant standards, such permits shall be issued. Failure to comply with all provisions, conditions, codes, ordinances and the like shall authorize the Zoning Enforcement Officer to cause the revocation of such permits.

### Section 9.4.H – Zoning Permits:

No land shall be used and no building or structure shall be constructed, reconstructed, extended, and enlarged, in whole or in part, for any purpose, until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer. The following shall apply to all applications for zoning permits: (See Zoning Regulations).



Town of East Hampton  
Department of Planning & Zoning  
1 Community Dr., East Hampton, CT 06424  
(860) 267-7450

## NOTICE OF PUBLIC HEARING

APPLICANT \_\_\_\_\_

PROPERTY LOCATION \_\_\_\_\_

MAP \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

THE EAST HAMPTON ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON \_\_\_\_\_ AT 7:00 P.M. IN THE EAST HAMPTON TOWN HALL, 1 COMMUNITY DR., EAST HAMPTON, CT TO CONSIDER THE FOLLOWING APPLICATION:

VARIANCE REQUESTED \_\_\_\_\_

\_\_\_\_\_

PURPOSE OF VARIANCE \_\_\_\_\_

\_\_\_\_\_

If you are unable to attend the meeting but would like to submit written comment, please do so prior to the Public Hearing. Comments can be submitted to the Land Use Department (contact information below).

APPLICATION AND MAPS ARE ON FILE IN THE LAND USE DEPARTMENT.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE PLANNER  
AT 860-267-7450.