

Town of East Hartford
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

Fee Structure:¹

One and Two Family Owner-Occupied Dwellings
All Others

\$150.00²
\$235.00

PLEASE READ INSTRUCTIONS SHEET CAREFULLY.

THE APPLICATION MUST BE FILLED OUT ACCORDING TO THE INSTRUCTIONS.

FILL IN INFORMATION IN ALL SPACES.

ANY MISSING INFORMATION CONSTITUTES AN INCOMPLETE APPLICATION.

INCOMPLETE APPLICATIONS WILL NOT BE HEARD BY THE BOARD.

All Zoning Board of Appeals Applications For Variance are processed at the Department of Inspections and Permits, Town Hall, 740 Main Street, East Hartford, CT 06108.

All questions shall be directed either in writing to the address above or by telephone during regular business hours [8:30 AM/4:30 PM]; the department number is 291-7340.

Please read the procedures for applications carefully. There are specific deadlines, and required information that must be received before an application can be accepted.

Filing deadlines are set by the requirement for public notice of a hearing in the newspapers. These dates can not be varied.

You are required to provide public notice as well, both with a sign obtained when you file your request or appeal and also with proof that neighbors have been notified.

Dec. 2003

¹ Fee change as of 10/16/03. Fees are non-refundable if legal notice has been published.

² Public Act 04-144, Special Session, Section (6) requires all towns to collect a \$60.00 fee on behalf of the State of Connecticut on planning, zoning and inland wetlands applications. The fees are submitted to the State to be deposited in the Conservation Fund. The funds are used to assist Soil and Water Conservation Districts, environmental review, the Council on Soil and Water Conservation and hazard mitigation and floodplain management. Town Fee includes the \$60.00 state fee.

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1. _____
Street Address _____ Map # _____ / Lot #

2. _____
Zone _____ Current Use _____

3. _____
PZC Section _____ subsection _____ Title _____

4. _____
Description of Problem/Issue

5. _____
Hardship Claimed

6. _____
Previous Appeals on This Property/Dates

7. _____
Owner's Name

8. _____
Owner's Address: Street, City, State, Zip Code

9. _____
Owner's Signature _____ Owner's Telephone Number _____

10. _____
Applicant's Name

11. _____
Applicant's Address: Street, City, State, Zip Code

12. _____
Applicant's Signature _____ Applicant's Telephone Number _____

Applicant given sign to post on property for ten days "Notice of Public Hearing" [] Yes [] No

Town of East Hartford
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE
PROCEDURES

MEETINGS

Public Hearings on Applications For Variance, Site Location Approval, and Appeal of the Zoning Enforcement Officer are held at regular meetings of the Zoning Board of Appeals [ZBA], which are held on the last Thursday of each month at Town Hall, 740 Main Street, East Hartford, or at such time or place as the Chairman of the ZBA may, from time to time, determine.

The applicant or his/her authorized agent must be present at the meeting.

FILING OF APPLICATION

The final date for filing of an application for variance, for site location approval, or a letter of appeal of the decisions of the Zoning Enforcement Officer shall be twenty-three [23] days before the date of a regularly scheduled meeting, which dates shall be posted in the Department of Inspections and Permits.

An original and nine [9] copies of the Application shall be filed, and shall be accompanied by ten [10] copies of a certified plot plan, and ten [10] sets of building plans or sketches drawn to a scale which clearly indicate what is proposed. The ZBA reserves the right to administratively determine the adequacy of the information furnished, and may require additional information it deems necessary to act upon the application. The applicant may choose to submit additional non-required information at the meeting to support their request for variance.

Submission of inaccurate or incomplete material or information may be deemed grounds for denial of the request for variance or site location approval by the ZBA.

SPECIAL REQUIREMENTS

When side yard or rear yard variances are being requested, the abutting property and the structures thereon shall be also shown on the plot plan, drawn to scale as to size and location.

If topographic conditions (land slopes) are being claimed as hardship, the application must be accompanied with photographs or a topographic site plan showing the conditions.

Applications for variances of the zoning requirements pertaining to liquor outlets shall be accompanied by two copies of a vicinity map showing the location of other existing liquor outlets and certain public use buildings within 500 feet, 1,000 feet or 1,500 feet of the premises, as required by the Zoning Regulations, Section 222. Town maps for this purpose may be purchased at the Engineering Department.

POSTING OF NOTICE

All applicants must post Notice of Public Hearing signs on the affected premises, available from the Department of Inspections and Permits, which shall be clearly visible from the public street adjoining the property, for a period of at least ten [10] consecutive days immediately before the public hearing date. The applicant must sign an affidavit at the time of the meeting and present it to the ZBA Secretary, stating that he or she has complied with the posting requirements for the sign. "Notice of Public Hearing" signs are available when application is filed and the fee paid. There is no additional charge for the sign.

Notice shall be sent by the applicant by mail to the owners of record of all properties abutting the subject property. Alternatively, the applicant may present signed affidavits from abutting property owners stating that notice has been personally received in hand. Evidence of such mailing or original signed affidavits shall be submitted to the Board at the public hearing.

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PROCEDURES
(continued)

POSTPONEMENTS/WITHDRAWALS

Any request for postponement of a hearing on a given application, or withdrawal of an application, shall be filed in writing not less than 72 hours (not counting Saturdays, Sundays or legal holidays) prior to the Public Hearing at which such application is scheduled to be heard. This requirement may be modified by the ZBA Chairman in cases of extreme hardship, at his or her sole discretion.

REHEARING OF VARIANCE REQUESTS

The ZBA shall not re-hear any petition for which a variance has been requested and denied sooner than six [6] months after the date of the Public Hearing at which such denial has been made. No application for re-hearing before the expiration of that time will be considered unless new facts which pertain to the previous request are alleged, and information provided to support the new claims.

Plot plans accompanying applications for variances pertaining to gasoline filling stations, garages, showrooms and parking lots, in addition to providing locations of all buildings, shall include the location of any fuel dispensing pumps and shall show the heights, widths and sizes of signs, the locations, heights of lights, plantings, curbs, sidewalks, street lines, exits and entrances, and the intensities and coverage of exterior lighting fixture illumination.

APPEAL OF THE DECISION OF THE ZONING ENFORCEMENT OFFICER

Any appeal of a decision of the Director of Inspections and Permits, acting in his or her capacity as the Zoning Enforcement Officer [ZEO], shall be made to the Zoning Board of Appeals [ZBA] in writing, addressed to: Zoning Board of Appeals, Department of Inspections and Permits, Town of East Hartford, 740 Main Street, East Hartford, CT 06108. Any appeal must be in writing, and must be received by the Town not later than 10 days following the date of notice in writing of such decision of the ZEO, or 24 hours from the date of receipt of a written notice pertaining to filling or excavating.³ A Notice of Hearing of the appeal shall be posted on the property.

The decision of the ZEO may be in the form of an Enforcement or Cease and Desist Order.

There is no filing cost to appeal a decision of the ZEO to the ZBA

³ Appeal must be taken in accordance with Section 8-7 of the Connecticut General Statutes.

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INSTRUCTIONS FOR COMPLETING APPLICATION FOR VARIANCE FORM

1. Street Address. This is the address of the property for which you are making the request.
- Map Number. This is the map locating your property in the Assessor's Office.
- Lot Number. This is the number of your lot on the location map (Assessor's records)
2. Zone. This is the residential or commercial zone the property is located within, as shown on the adopted zoning map at the Town Planner's Office.
- Current Use. What is the property currently used for? A single house? A store?
3. PZC Section. What Section of the Zoning Regulations is the variance requested from?
- Subsection. What is the specific regulation subsection that applies?
- Title. List the title of the Zoning Regulation section which applies
4. Problem. Describe the problem that prohibits your intended use of the property.
5. Hardship claimed. What physical or legal condition prevents you from complying with the requirements of zoning you have cited? What equivalent compliance are you offering in place of the zoning requirement?
6. Previous Appeals List any former appeal applications on property, including dates.
7. Owner's Name List here the legal owner(s) of the property per the Town land records.
8. Owner's Address List the legal residence (mailing address) of owner.
9. Owner's Signature Have property owner(s) sign here
- Telephone Number Number at which the owner can be contacted during business hours.
10. Applicant List the individual(s) authorized to make the application by the owner.
11. Applicant Address List the legal residence or business address of applicant.
12. Applicant Signature Applicant must sign here (unless owner is also applicant).
- Telephone Number Number at which the applicant can be reached during business hours.