



# TOWN OF EAST HARTFORD

## Department of Permits and Inspections

740 Main Street, East Hartford, CT 06108

Tel.: (860) 291-7340

## Applying for a Variance?

### Items needed to submit a Variance Application

Application – Only available online at: <https://easthartfordct.gov>

Letter of Hardship

A-2 Survey outlining the exact dimensions of the request: 1 24"x36" stamped hard copy must be submitted to the Department of Building and Inspections and 1 PDF copy must be uploaded to your online application.

Payment – Made concurrently with your online application (\$150 residential, \$235 commercial)

Once a complete application is received and processed, you will be provided a public hearing date and time. The hearing date is dependent on the submission date. Review the meeting schedule on the ZBA Webpage for additional information.

### Before the Public Hearing

Obtain a list of abutters within a 200' radius from your property. This list can be found on the [Town GIS Website](#). Add the abutters addresses to the Post Office form "PS Form 3665". See page 3 for additional information.

Obtain a copy of the legal notice from the Zoning Enforcement Officer. Mail a copy of the legal notice to the abutters at least 15 days prior to the hearing date.

Prior to the hearing, the applicant is required to submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.

The Department of Permits and Inspections will run your legal notice in the paper for two weeks prior to the hearing date.

### Public Hearing

The Zoning Board of Appeals will ask you to:

State your name and address – bring a surveyor/engineer/attorney if you wish

Submit evidence of the required mailing in the form of USPS Certificates of mailing, list of names and addresses, and a copy of attachments which were mailed.

Explain your hardship.

Explain your plans for the property.

The Zoning Board of Appeals will typically vote to approve or deny at the meeting unless they require further information to be submitted or deliberation amongst the board.

### After a Decision is Rendered

	The Department of Permits and Inspections will send an approval or denial letter following the decision of the board.
	The Department of Permits and Inspections will post a legal notice in the newspaper after the hearing. There is a 15-day appeal period after the publication of the decision.
	<b>Filing of Variance Certificate:</b> If approved, the applicant must file an Original Copy of the Certificate of Approval on the Land Records in the Town Clerks Office for a fee of \$60. The certificate can be obtained from the Zoning Enforcement Officer after the date specified on your issued approval letter.
	<b>Obtain Building and Zoning Permits:</b> The ZBA grant of variance is NOT your zoning approval. You must also obtain zoning permit for which a separate fee must be paid. Building permit must be obtained from the Department of Inspections and Permits. A separate fee will be required.
	<b>For Setback or other Dimensional Variances:</b> Failure to comply with the strict setback or other dimensional variance granted will result in violation of the approval. It is recommended you obtain a pre-construction survey staking to verify the location of any proposed structure and conduct foundation as-built surveys.
	<b>After Construction:</b> Submission of an A-2 grade as-built survey produced and signed by a CT Licensed surveyor will be required to obtain a Final Certificate of Zoning Compliance and Certificate of Occupancy from the Building Official. Please plan for this in advance.

## **Instructions to Notify Abutting Property Owners of the Public Hearing**

1. Applicants are required to provide notice to abutting property owners in accordance with Zoning Regulations Section 9.7.C.5.
2. Applicants must notify abutters by mail who own land within a 200' radius of the subject property for Variances and directly abutting property owners for Appeal Applications. Notifications must be made by mail at least 15 days prior to the date of the public hearing.
3. Obtain a list of abutters using the [Town's GIS Website](#):
  - a. Go to easthartfordct.gov
  - b. Select the icon on the homepage labeled 'GIS Mapping'
  - c. Click 'OK' on the pop up disclaimer
  - d. Type the property address in the search bar in the top left corner
  - e. Select your address in the populated drop down menu.
  - f. Left click the property. Select the Mailing Label Tool Icon, below the search bar in the top left of the window.
  - g. Type the property address in the search bar on the top of the Mailing Label Tool popup window.
  - h. Check the box 'Apply a search distance' and type 200 feet.
  - i. Select the desired file format and download the property owner mailing labels by pressing ENTER.
4. Add the abutters addresses to Post Office Form "PS Form 3665" and have the form stamped and processed at the Post Office.
5. Mail the Legal Notice to each abutter at least 15 days prior to the public hearing date.
6. Submit "PS Form 3665", a copy of the list of property owners, and a copy of the notification sent.

## **ZONING VARIANCE HARDSHIP CRITERIA**

**A variance requires an applicant to show an “unusual hardship” generally defined as a peculiar or unique condition of the subject property that is not generally found on other lots in the same Zoning District or the surrounding neighborhood, and which would make development in accord with the Zoning Regulations extremely and unusually difficult or prevents a landowner from making a reasonable use of their property in conformance with the Zoning Regulations as written.**

### **UNUSUAL HARDSHIP – DEFINED**

- “Hardship” must be unique and different in kind from those generally affecting properties in the same zoning district.
- Economic hardship, such as financial loss, is NOT a proper basis for granting a variance.
- Variances should be limited to where application of the Zoning Regulations greatly decreases or practically destroys property value.
- Citing that since a house already exists and this is not an application to build on a vacant non-conforming lot where the hardship argument might have been the inability to use the land for any purpose, is not alone sufficient.
- Variances should only be granted where the general purpose of the zoning plan will not be undermined.
- Variances should be based on the condition of the land NOT the owner.
- Claiming that a variance is “de-minimis” is not a basis for a hardship.

### **WHAT IS NOT A HARDSHIP**

- Personal preferences, emotions, health conditions and needs related to circumstances of an applicant and their family.
- Conditions that are self-created or a result of an action taken by a present or past owner.
- Financial considerations or due to economic benefit or loss to the property owner.
- Absent a situation amounting to confiscation, financial loss or the potential for financial advantage is not the proper basis for a variance, nor is the loss of competitive advantage.
- The fact an owner might be able to make more profitable use of their land if it were not for the Zoning Regulations, does not equate to hardship; nor does a claim of increased tax revenues for the Town.

### **VARIANCES – Granting of a Variance should be limited to extraordinary situations:**

- MUST be in harmony with the general purpose and intent of the zoning regulations.
- MUST consider the public health, safety, convenience, welfare and property values.
- MUST give only for parcels with unusual conditions of “exceptional difficulty or unusual hardship.”
- NOT allowed if Regulations provide that certain prohibited uses are not permitted by Variance.

### **CRITERIA and FACTS the ZBA must consider when deciding whether to issue a variance:**

- Does the applicant have reasonable use of the property without the variance – is the property unusable or unbuildable without the granting of a variance?
- Do extraordinary physical conditions peculiar to and inherent in the specific subject property amount to more than a mere inconvenience to the owner, and do those conditions arise out of the lot rather than the personal situation of the current owner of the lot?
- Is the alleged hardship self-created or the result of or caused by action of the owner (present or past)?
- Will adherence to the Zoning Regulations deprive the applicant of substantial rights commonly enjoyed by owners of other lots subject to the same provision?
- Will granting a variance result in a use or development of the subject property that would not be in harmony with the general and specific purposes of the applicable Zoning Regulations, Zoning District or surrounding neighborhood?
- Will granting a variance alter the essential character of the locality?
- Will the results of the variance be in harmony with the Zoning Regulations' "general purpose and intent and with due consideration of conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated"?



# Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>			
	Postmaster, per (name of receiving employee)					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.						
2.						
3.						
4.						
5.						
6.						

## Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).