



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

Variance and Appeal APPLICATION PACKET

Effective 09/12/2022

(updated 1/19/23 – publication fee, sample ltr)

Dear Applicant:

This Zoning Board of Appeals (ZBA) Variance Application Packet has been compiled to help you comply with the Zoning Regulations and obtain a timely decision on your proposal.

In Easton, a variance application is processed through the ZBA who has the authority to vary or adjust the strict application of the Zoning Regulations. Only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship.

You must submit a complete application and appropriate fee to the Zoning Enforcement Officer (ZEO) or agent. An incomplete application may be denied by the ZBA. If the ZBA denies a variance application, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

In accordance with Connecticut General Statutes, the date of receipt of such application shall be the next regularly scheduled meeting of the ZBA or 35 days after submission, whichever is sooner. The meeting schedule can be found on the Town's website at eastonct.gov. A public hearing shall be held within sixty-five (65) days following receipt of the application. The hearing shall be closed within thirty-five (35) days. At the close of the hearing, the ZBA shall have sixty-five (65) days to render a decision on the application. You may request an extension of time if necessary or withdraw your application any time prior to action by the ZBA.

The ZBA may refer such appeal or variance application to any department, agency, or official it deems appropriate. Upon request you may obtain a copy of department comments prior to the public hearing. You should be prepared to present your proposal and supporting data at the public hearing. A concurring vote of four ZBA members is required for approval.

The enclosed items are designed to act as a detailed resource for your use throughout the application process. This packet includes the forms and checklists required by the ZBA. If you have additional questions after reading this packet, Zoning Department staff are available to help you Monday through Friday from 8:30am to 3:30pm at the Easton Town Hall, by telephone at 203-268-6291, or by e-mail through the Town website at eastonct.gov.

The following items are enclosed for your use in completing this application:

- Application for Variance to Zoning Regulations
- Required Items Checklist
- Summary of the Variance Application Process
- Sample Neighbor Notification Form
- Hardship – What is Legally Required?
- How to use Easton GIS
- Application for Wetland Determination

Required items checklist

- ☐ Fees
 - \$200 – Application Fee
 - \$60 CT – State Fee
 - \$100 – Publication Fee (effective 1/15/2023)
 - \$(TBD) – USPS Certified Mailing Fee
- ☐ Complete Application Form, signed by the applicant/authorized agent AND property owner
- ☐ Existing Site Survey (10 copies) as may be required depending on your proposal
- ☐ Proposed Site Survey (10 copies) as may be required depending on your proposal
- ☐ Engineering Plans/Reports (10 copies) as may be required depending on your proposal
- ☐ Architectural Plans (10 copies) as may be required depending on your proposal
- ☐ Other material or information (10 copies) as may be required depending on your proposal
- ☐ Notification to Abutting Property Owners
 - List of abutting property owners within 250ft of property line
 - Notification Letter to be sent to abutting property owners explaining proposal
 - Addressed Envelopes & Certified Mail/Return Receipt Requested slips from USPS
- ☐ Notification to Abutting Municipalities/Regional Planning Agencies as required
 - List of abutting municipalities within 500ft of subject property and those municipalities impacted by traffic, sewer, drainage, or stormwater runoff
 - Notification to METROCOG required if list includes Monroe, Trumbull, Bridgeport, or Fairfield
 - Notification to WESTCOG required if list includes Westport, Weston, or Redding
 - Notification Letter to be sent to abutting municipalities explaining proposal
 - Addressed Envelopes & Certified Mail/Return Receipt Requested slips from USPS
- ☐ Notification to the Water Company and the Department of Public Health (DPH) as required
 - If any portion of the property is within an Aquifer Protection Area or Public Water Supply Watershed the notification is required to the Water Company and DPH
 - If notification is required, two additional sets of all submitted surveys, plans, reports, materials, and information are required to provide to the Water Company and DPH
- ☐ Notification to the Department of Energy and Environmental Protection (DEEP) as required
 - If any portion of the property contains potential habitat for endangered, threatened, and special concern species or important natural communities in Connecticut, as identified in the most current Natural Diversity Database (NDDB) map, then notification is required to NDDB as prescribed by DEEP
 - A report of their findings from this request shall be submitted with the application
 - The application shall be considered incomplete if this this report is not provided
- ☐ PDFs for all documents listed above

ZONING BOARD OF APPEALS (ZBA) APPLICATION PROCESS

APPLICATION

1. Applications must be submitted to the Land Use Office in the Easton Town Hall during regular business hours, Monday - Friday 8:30am to 3:30pm.
2. The application will be reviewed for completion (see "Required Items Checklist") by the Land Use staff upon receipt. Staff will notify the applicant whether the application appears substantially complete in accordance with the Zoning Regulations.
3. If it was determined that an Inland Wetland Permit is required the applicant must begin that process simultaneously with the submission to Land Use Office. A required Inland Wetland Permit must be obtained prior to approval of the special permit application.

REVIEW

1. After the application has been received by the ZBA, they have up to sixty-five (65) days in which to hold the public hearing. During this time the application is reviewed by Land Use staff, other town departments, adjoining towns, Regional Planning Agencies, and others as required.
2. An accepted application may require more information or revisions to be completed, including the opportunity to inspect the proposal/location prior to the public hearing.
3. The applicant may obtain a copy of review comments prior to the public hearing upon request at the Land Use Office.
4. You may request from the ZBA an extension of time for this review period before holding the public hearing if you feel it is necessary to provide additional information to support your application. Please note that the total extension of any period of time for this process (review, public hearing, and/or decision periods) shall not exceed sixty-five (65) days.

NOTICE OF PUBLIC HEARING

1. The Land Use staff will notify abutting property owners using the envelopes and certified mail receipts you provided at time of application.
2. The Land Use staff is responsible for publication of the legal notice in the newspaper, and for notification of any other parties, as required.

PUBLIC HEARING

1. The applicant is required to give a formal presentation of the proposal at the beginning of the public hearing for application consideration.
2. If an Inland Wetland Permit is required, the granted permit along with any attached condition must be entered into the records.
3. The ZBA will note for the record all comments received from the public including departments, agencies and outside consultants regarding the application.
4. The public hearing must be completed within thirty-five (35) days.
5. You may request from the Commission an extension of time for this public hearing period before the hearing is closed if you feel it is necessary to provide additional information to support your application. Please note that the total extension of any period

of time for this process (review, public hearing, and/or decision periods) shall not exceed sixty-five (65) days.

DECISION

1. A decision on the application must be made within sixty-five (65) days of the close of the public hearing. If an Inland Wetland Permit is required and a final decision by the Inland Wetland Agency has not been made, the decision period for the special permit application will be extended for up to thirty-five (35) days after the decision on the Inland Wetlands permit has been made so the ZBA can be given due consideration when making its decision.
2. The ZBA shall approve, disapprove, or approve with conditions the proposed variance and shall state upon its record the reason(s) for its decision.
3. As part of an approval, the Commission may require a performance guarantee (i.e. bond), based upon a cost estimate of improvements provided by the applicant, to ensure completion of site improvements other than buildings.

FOLLOWING APPROVAL

1. Within 15 days of approval of the special permit, the ZBA will send you a copy of the decision and publish such decision as required.
2. You are required to file on the Easton Land Records a certified copy of the variance granted with all attachments/enclosures provided therewith within one year from the date of approval or the variance will be null and void.
3. You are required to file on the Easton Land Records mylar prints of any final approved plan(s), complete with all modifications, signed/sealed by the appropriate professionals that created the plan(s), and endorsed by the Chairman of the ZBA within one year from the date of approval or the variance will be null and void.
4. You must provide two copies of all plan(s), complete with all modifications, signed/sealed by the appropriate professionals that created the plan(s), to be filed with the Building Official and Zoning Enforcement Officer.
5. If required, you must post a bond in accordance with the approval within one year from the date of approval or the special permit will expire. Posting and release of such bond shall be in accordance with Section 8870 of the Regulations.

APPEAL

1. The applicant or other aggrieved parties may appeal the decision to the Superior Court within Fifteen (15) days of publication of the decision.



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

APPEAL APPLICATION (used for post-decision)

Application Number: _____

Applicant: _____ Address: _____

Owner: _____ Address: _____

_____ hereby appeal to the Zoning Board of Appeals (ZBA) from the denial by the Planning and Zoning Commission of my application for a permit to:

Signature of Applicant _____

Telephone Number _____

Application and documents submitted: To: _____
ZBA Agent

Date: _____



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Location of Property

Property Owner: _____ Telephone: _____

Address: _____

Assessor's Map#/Block#/Lot#: _____

Parcel No.: _____

Applicant: _____ Telephone: _____

Address: _____

Surveyor _____

Type of Sewage Disposal _____ Type of Water Supply _____

Zoning District: _____ R1 _____ R3

Property is within 500 ft of a Town line: _____ Yes _____ No

Has an Inland Wetlands Determination been completed by the Inland Wetland Agency?
_____ YES _____ NO

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained. Please complete the attached Application for Determination of Wetland Impact.

Indicate each specific provision of the Zoning Regulations from which a variance is required.

Section/Subsection: _____

Describe fully the nature and extent of each variance applied for above.

Zoning Setback(s) Proposed:

Front (ft) _____ Left (ft) _____ Right (ft) _____ Rear (ft) _____

APPLICATION FOR VARIANCE TO ZONING REGULATIONS (CONTINUED)...

State fully the reasons why:

- a. Strict application of the regulations would create exceptional difficulty or unusual hardship; and
- b. Such hardship is unique to the property.

(Financial hardship is not sufficient basis for granting of a variance).

Does the variance applied for constitute an alteration, conversion, extension, or expansion of an existing non-conforming condition?

NO ___ YES ___ if Yes, explain in detail

Has any previous application been made to ZBA for a variance relative to all or any part of said property?

NO ___ YES ___ if Yes, specify when and for what.

Is there a home occupation at the location or has a Special Permit been granted for the property?

NO ___ YES ___ if, Yes, explain

Applicant hereby grants to ZBA Members the right to make physical on-site inspection of the property as may be necessary to acquaint themselves with actual conditions.

Applicant _____ Date _____
Owner _____ Date _____

Received by Zoning Board of Appeals: _____ Date _____

Reviewed by Zoning Enforcement Officer _____ Date _____



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

Sample Neighbor Notification Form for VARIANCE APPLICATION

Dear Neighbor

Be advised that _____ (I/Applicant
name) has applied for a variance of Section(s) _____ of the Zoning Regulations of
the Town of Easton to permit:

___ for property located at the following address:

(street name and number)

Map Block Number(s)

The Town of Easton Zoning Board of Appeals will conduct a public hearing on this proposal as

follows: Date: _____ Time: _____

Location: _____

You are being notified because your property is within 250 feet of the subject parcel. The
application is on file in the Planning and Zoning Office of the Town of Easton.

Sincerely,

(TO BE COMPLETED BY APPLICANT)

Watershed or Aquifer Area Project

REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project.

To determine if your project falls within a public water supply aquifer or watershed area, **you will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the Town Hall Land Use Department.** If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the Watershed or Aquifer Area Project Notification Form on the CT Department of Public Health Website. https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/drinking_water/pdf/WatershedorAquiferAreaProjectNotificationFormpdf.pdf

APPLICATION
FOR
DETERMINATION OF WETLAND IMPACT

Note: Connecticut General Statutes require that the applicant for a project which involves land regulated as wetland or watercourse shall submit an application to the Town Inland Wetlands & Watercourses Agency, not later than the date of submission of the Zoning application to the Planning and Zoning Commission, to determine the impact of the proposed activity on wetlands and watercourses on or adjacent to the property.

To: Inland Wetlands & Watercourses Agency,
Town of Easton Conservation Commission

Date: _____

Location of Property: _____

Owner(s) of Record: Name: _____
Address: _____
Telephone: _____
E-MAIL: _____

Applicant(s): Name: _____
Address: _____
Telephone: _____
E-MAIL: _____

Description of project

To be completed by Staff only

- ☐ No Wetlands or Watercourses on site or within 100' of property line.
- ☐ No permit required for this project. However, a wetland permit may be required for any future work.
- ☐ An Inland Wetland permit may be required for this project. You are required to have wetlands on the property flagged by a soil scientist, update the survey map with wetland information, and submit a new determination of wetland impact.
- ☐ An Inland Wetland Permit is required for this project. See attached.

Inland Wetland & Watercourse Agency/Designated Agent

Date