

7.4 **Board of Appeals**

A. Powers and Duties.

A Board of Appeals, hereinafter called the ZBA shall be formed and shall serve as provided by the General Statutes of the State of Connecticut and shall have the following powers and duties;

1. Adopt such rules and regulations for the conduct of its business as may be deemed necessary to carry out these regulations.
2. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Officer.
3. Authorize in specific cases variances from the terms of these regulations where by reason of exceptional slope, size or topography of the lot or other exceptional situation or condition of the building or land, exceptional difficulty or unnecessary hardship would result to the owners of said property from a literal enforcement of the regulation. Before any variance is granted, the ZBA must make a written finding in its minutes as part of the record in the case:
 - a. That special circumstances, described in detail, exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.
 - c. That the special circumstances do not result from the actions of the applicant.
 - d. That such identified hardship not be strictly financial.
2. Decide requests for special exceptions in the cases specified in this regulation or in the General Statutes of the State of Connecticut.

B. Procedure.

1. The ZBA shall hold public hearings on all appeals, requests for exceptions, applications for variances and any other matters to which it is assigned by the Connecticut General Statutes.
2. Applications shall be submitted to the office of the Zoning Official for transmittal to the ZBA. The application shall be accompanied by a true and accurate list of property owners within 500 feet from any boundary of the property which is subject to the application.
3. The applicant shall notify each of the property owners by certified mail no later than five days prior to the hearing and shall present the return receipts to the ZBA.
4. Every application for variance from the Use Regulations and Special Regulations, as distinguished from dimensional regulations, shall be transmitted to the PZC, and, on or before the public hearing held by the ZBA on such application for variance, the PZC shall make a report with recommendations thereon, such report to be a part of the record of the case.
5. All determinations of the ZBA shall be made in accordance with the objectives of these regulations and in harmony with the purpose and intent expressed in Article 1 of these Zoning Regulations