

## SECTION 89 – GENERAL PROVISIONS REGARDING ZONING RELIEF

### 89.1 PURPOSE AND INTENT

It is hereby found that there are certain, specific uses which are a necessary part of an urban community such as West Haven. However, it is also found that these uses, if not properly regulated, would be detrimental to the safety, welfare, and health of the community and could have an adverse affect on the property values surrounding them. The particular uses to which this Article applies are set forth herein and elsewhere in these Regulations.

It is, therefore, the purpose and intent of these Regulations and specifically this Article, to review the application to permit those uses on a lot-by-lot basis and where appropriate, permit them only under certain limited circumstances in limited quantities, and with proper safeguard and controls based upon pre-established standards to assure a minimum of injury to surrounding property.

### 89.2 DEFINITIONS

89.2.1 **VARIANCE:** A land use permitted when a reasonable basis is found to so some act contrary to the usual rule permitted when the standards contained within the Regulations have been met.

### 89.3 VARIANCES AND REVIEW OF ADMINISTRATIVE DECISION OR ORDER

Variences or Review of Administrative Order or Decision applications shall be filed with the Zoning Board of Appeals and thereafter shall be acted upon as provided in section 8-6 of the Connecticut General Statutes and the additional standards of Section 90 below.

### 89.4 INTENT

As provided in Section 8-6 of the Connecticut General Statutes, the Zoning Board of Appeals may vary the strict enforcement of these Regulations whenever particular hardship is established. This power shall be used in only those circumstances wherein practical difficulty has made these regulations almost impossible and/or renders the property unusable. The use of a Variance shall not be permitted in those instances where these Regulations provide for a Special Permit, Special Use Exception or Special Exception.

### 89.5 GENERAL REQUIREMENTS FOR ZONING RELIEF

Pursuant to Connecticut General Statutes Section 8-2 and in harmony with the general purpose and intent of these Regulations and in accordance with provisions set forth in this Article 8.

### 89.6 PROCEDURE

89.6.1 **Application.** Any person or property owner who feels that they are aggrieved by the strict application of these Regulations may petition the Zoning Board of Appeals upon written application form provided for such purposes from the Planning and Development Department office. Such petition shall set forth with specificity the *exact section of these Regulations which imposes the practical difficulty, the nature of the hardship and the basis for the peculiar hardship as it relates to the applicant's property.*

89.6.2 **Public Inspection of Documents.** All applications, maps, and documents relating to a public hearing shall be open for public inspection in the Planning and Development Department not less than fifteen (15) days prior to the day of the public hearing.

**89.6.3 Decisions.** The Zoning Board of Appeals after the public hearing may grant, grant with conditions, or deny the petition. A copy of the decision will be filed with the City Clerk's Office and be mailed to the petitioner. Notice of the decision shall also be legally advertised in the local newspaper.

Whenever the Board grants or denies a variance in the zoning regulations pursuant to a petition for same, it shall state upon the records the reason for its decision.

The Board may prescribe such conditions or restrictions applying to a grant of a variance as it may deem necessary in the specific case to minimize the adverse effects of such variance upon other property in the neighborhood, and such conditions or restrictions shall be incorporated in the building permit and Certificate of Occupancy (C of O). Failure to comply with such conditions or restrictions shall constitute a violation of these regulations, resulting in the automatic denial or revocation of a building permit or certificate of occupancy (C of O) as well as giving rise to all other applicable enforcement remedies.

**89.7 APPEALS FROM DECISION**

Any person or persons may appeal any decision of the Zoning Board of Appeals to the Superior Court of the State of Connecticut pursuant to Section 8-8 of the Connecticut General Statutes.