



Planning Department · Hamden Government Center
2750 Dixwell Avenue · Hamden, CT 06518
Phone (203) 287-7070 Fax (203) 287-7075
www.hamden.com

**TOWN OF HAMDEN
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

INSTRUCTIONS

Below please find a checklist of all the required application materials to be submitted to the Planning Office. **It is the applicant's responsibility to provide all of this information.** While Town staff will be happy to answer your questions, they are not responsible for preparing the information. The Hamden Zoning Regulations are available on-line at www.hamden.com.

DEADLINE FOR APPLICATIONS:

Completed applications must be submitted **by 3:00 pm on the 15th of the month** to the Planning Office, 3rd Floor, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT 06518 to be put on the following month's agenda for the Zoning Board of Appeals meeting. The regular meetings of the Zoning Board of Appeals are held on the **third Thursday** of each month.

***NOTE: THE APPLICANT OR HIS/HER AGENT MUST BE PRESENT AT THE HEARING.**

SUBMISSION REQUIREMENTS:

- The applicant must submit **eight (8) copies** of all the required application information.
- **APPLICATION FEE:** FEE SCHEDULE (subject to change)

Residential (1-3 family dwelling)	\$160.00
Commercial/Industrial/Multi-family	\$300.00
Use Variance	\$360.00

- **COMPLETED APPLICATION** signed by **BOTH** the property owner **AND** the applicant.
- **COMPLETE SITE PLANS, FLOOR PLANS, BUILDING ELEVATIONS & ANY OTHER DOCUMENTATION REQUIRED.** (**All maps must be folded** not to exceed the dimensions of 11½ x 9 ½". Fold maps so that the title block is face up).

Zoning Board of Appeals Variance Application Form Revised 09/15/23.

- **Notification to the Regional Water Authority (RWA)** – If the subject property lies within the Public Water Supply Watershed, please complete the RWA Notification Form (attached) and **send by certified mail to the address below**. This notice must be mailed within seven (7) days of the date of the application submittal. Documentation of mailing shall be provided to the Hamden Planning Office.

Environmental Analysts,
Environmental Planning Department
Regional Water Authority
90 Sargent Drive
New Haven, CT 06511

- **Notification to the CT Department of Public Health** – All applicants for any project located within a public water supply aquifer or watershed area are now required by Public Act No. 06-53 of the CT General Statutes to notify The Connecticut Commissioner of Public Health of the proposed project within seven days of filing. (Attached is a page with instructions).

- **A Coastal Area Management Consistency Review Application** (2 copies) must be submitted to the Planning Office for properties located in the Coastal Management Area.

- **Applicants must Install a Sign(s) Informing the Public of the Public Hearing per the following:**

Per Section 726.5.3 of the Zoning Regulations, “the applicant must place a sign or signs on the affected property, clearly visible to passersby, giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property.

The sign(s) is to be placed at or near the street line or traveled way and shall be clearly visible to the general public. Weather permitting, the sign should be placed on a pole at a height between four and six feet. Alternatively, the sign may be placed on a fence, tree or structure. The sign (s), which is provided by the Planning Department, shall be installed by the applicant no less than 10 days before the hearing. The sign(s) should remain in place until after the Public Hearing has been completed.

Sign(s) are subject to a security deposit in an amount set by the Legislative Council.

An affidavit shall be presented at the public hearing by the applicant or his/her agent certifying that this sign was installed and maintained in accordance with the provisions of this section. A photograph of each sign, showing it placed on the site should also be provided.”

Failure to post and/or maintain said sign(s) shall cause the Commission to deem an application as incomplete.

The sign(s) should be returned after the Public Hearing has been completed.

- **LIST OF ALL ABUTTERS along with STAMPED (not metered) ENVELOPES** addressed to all property owners (not tenants) listed on an abutters list (which can be obtained from the Assessor's Office), including one envelope addressed to yourself. Please address the envelopes to the property owner's mailing address (as listed on the abutters list) rather than to the address of the property that abuts yours. The return address should be:

**Zoning Board of Appeals
Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518**

- **PLEASE NOTE:** Any revision(s) to maps or additional information required beyond the original submission must be received in the Planning Office **at least ten (10) days prior** to the meeting where the Planning & Zoning Commission will review the application.

DEMONSTRATION OF HARDSHIP AND PROHIBITIONS ON USE VARIANCES:

The following information excerpted from the Hamden Zoning Regulations is meant to assist you in the preparation of your variance application. Please refer to the Hamden Zoning Regulations (in the Planning Office or at www.hamden.com) for more complete information.

Section 726.1.2 of the Zoning Regulations gives the Zoning Board of Appeals the powers and duty to vary the application of the Regulations as follows:

*To determine and vary the application of the Zoning Regulations in harmony with the general purpose and intent and with due consideration for the Plan of Conservation and Development and for 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 zone in which it is situated, **a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.** (Emphasis added)*

Section 726.1.3 Places Strict Limitations on the Granting of Use Variances:

726.1.3.1 Purpose:

Pursuant to Section 8-6, Connecticut General State Statutes, and to be consistent with the purpose and intent of the Hamden Zoning Regulations, and to avoid spot zoning in contravention to the Hamden Plan of Conservation and Development, and to avoid actions that in essence establish new or amend existing Zoning Regulations,

the Zoning Board of Appeals shall consider the statutory substantive requirements for variances.

726.1.3.2 Criteria for Use Variances

Use variances shall be granted only upon finding all of the following:

- a. A literal enforcement of the Zoning Regulations would result in exceptional or unusual hardship; Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.*
- b. The hardship is not a self-inflicted hardship, resulting from a previous action by the applicant.*
- c. The applicant has demonstrated that no reasonable use of the property can be made for any use permitted in the applicable zone.*
- d. The applicant has demonstrated that (s)he has pursued all other alternatives available to him/her under the regulations.*
- e. The variance requested is the minimum variance necessary to allow a reasonable use of the land.*
- f. The applicant has demonstrated that the granting of the requested variance will have no adverse effect on surrounding properties with regard to health, safety, welfare or property values.*
- g. The applicant's request for a variance is consistent with the Comprehensive Plan of Conservation and Development, 2004, as it may have been amended from time to time.*

726.1.3.3 All uses prohibited in the Zoning Regulations shall not be permitted by variance.

726.1.3.4 All applications where a use variance has been granted shall be subject to Special Permit approval by the Commission.



ZBA # _____
Date of Filing _____
Fee _____
Date Paid _____
Receipt # _____

**TOWN OF HAMDEN
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

Property Address _____ Zone _____

- Spring Glen Village District
- Newhall Design District

Applicant _____ Address _____

Phone _____ Town/Zip _____

Property Owner _____ Address _____

Phone _____ Town/Zip _____

Lessee _____ Address _____

Phone _____ Town/Zip _____

Agent/Attorney _____ Address _____

Phone _____ Town/Zip _____

Email Address of Primary Contact _____

*This application is not complete unless signed by the owner **and** his/her agent (if applicable).

1. Variance Requested – State the Section Number from the Hamden Zoning Regulations that relates to the requested variance. State what your request is in relation to what is required. For example, “Section 220, Table 2.3: Applicant is asking for a 15-foot side yard where a 30-foot side yard is required.”

2. What is the unique hardship applicable to the land (cannot be financial)? _____

3. Please list any variances previously requested for this property and the outcome:

4. Has any application involving this property been submitted to the Planning and Zoning Commission? Yes / No If yes, what was its decision?

I hereby state that all the above information and any information contained in any papers submitted herewith are true and correct to the best of my knowledge and belief under penalties of false statements.

I understand that by applying I grant permission for a member or members of the Zoning Board of Appeals and staff to enter upon the subject premises for the purpose of making a visual examination of same.

5. Property Owner's Signature _____ Date _____

6. Applicant's Signature _____ Date _____

Revised 10/13/22.

Public Water Supply Watershed/Aquifer
Project Notification Form
For The
South Central Connecticut Regional Water Authority

REQUIREMENT:

All applicants before a municipal Planning and Zoning Commission, Inland Wetlands Commission, or Zoning Board of Appeals for any project located within a public water supply watershed are required by Public Act 89-301 (Sections 8-3i and 22a-42f of the Connecticut General Statutes) to notify the affected public water utility by certified mail within 7 days of the application.

GENERAL INFORMATION:

Maps showing the location of Regional Water Authority (RWA) watershed boundaries are on file with municipal planning and zoning, and inland wetlands staff, and Town Clerks. The applicant's notification to the RWA should include the information requested on pages two and three. The RWA may request additional information if it is determined that a more detailed review is necessary. Any questions should be directed to (203) 401-2741, or rwalters@rwater.com.

Please email this completed form and attachments to:

rwalters@rwater.com

or by mail to:

Environmental Analysts
Environmental Planning Department
Regional Water Authority
90 Sargent Drive
New Haven CT 06511

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address _____ Town _____

3. Application for: Planning and Zoning Inland Wetlands Zoning Board of Appeals

4 Project Description: _____

5. Waste Water Disposal: Septic System Public Sewer None

6. Water Supply: Private Well Public Water

7. Heating Fuel: Oil Gas Other _____

Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.

8. Total acreage of project site _____

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance

10. Percent of existing impervious surfaces including buildings, roads and pavement _____

11. Proposed increase in impervious surfaces _____

12. Number of **existing and proposed** floor drains or sump pumps and their point of discharge e.g., sanitary sewer, holding tank, or ground

13. Are there any wetlands or watercourses on the property? If so, describe.

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available. _____

15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents _____

16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides _____

17. Describe any wastes generated and their means of disposal _____

18. Contact Information:

Name: _____

Company: _____

Address: _____

Phone: _____

Email: _____

Name of Person Completing Form

Signature

Date

NEW REQUIREMENT: NEED TO NOTIFY

CONNECTICUT DEPARTMENT OF PUBLIC HEALTH

Using Public Water Supply Watershed or Aquifer Area Project Notification Form

Note: All applicants before a municipal Planning Commission, 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 now required by Public Act No. 06-53 of the CT General Statutes to notify The Connecticut Commissioner of Public Health of the proposed project within seven days of filing.

To notify the Commissioner of Public Health, you must use the Online Notification Form, which you can find by doing the following:

1. Type in the following URL to access the website:

<https://portal.ct.gov/DPH/Drinking-Water/DWS/Project-Notification-Form>.

2. Print a copy of the completed form and submit it to the Planning and Zoning Department with your application.
3. If you have any questions or problems concerning the website, contact the Department of Public Health staff at: (860) 509-8000.