

# ARTICLE VIII ZONING BOARD OF APPEALS

## SECTION 800 POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties.

### 800.1 ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement of these regulations.

### 800.2 VARIANCE, CONDITIONS COVERING APPLICATIONS; PROCEDURES

To authorize upon appeal in specific cases such variance from the terms of these regulations where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. (Financial detriment shall not be considered an unnecessary hardship). A variance from the terms of these regulations shall not be granted by the Zoning Board of appeals unless and until:

#### 800.2.1 REASONS STATED

A written application for a variance is submitted on a form prescribed by the Commission demonstrating:

1. That special conditions and circumstances 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.
2. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.
3. That the special conditions and circumstances do not result from the actions of the applicant. Purchase or lease of property shall not constitute such an "action" in this instance.
4. That granting the variance requested will not confer upon the applicant any special privilege that is denied by these regulations to other lands~ structures or buildings in the same district.

#### 800.2.2 REASONS NOT TO INCLUDE

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

### 800.3 PUBLIC HEARING

#### 800.3.1 NOTICE

Notice of public hearing shall be given as prescribed in Section 8-7, Chapter 124 of the 1958 Revision of the Connecticut Statutes as amended.

#### 800.3.2 REPRESENTATION

Any party may appear in person, or by appear or by attorney.

### 800.4 FINDINGS

The Board of Appeals shall make findings whether or not the requirements of Section 800.2.1 have been met by the applicant for a variance.

#### 800.4. 1 FURTHER PINDINGS

The Board of Appeals shall further make a finding whether or not the reasons set forth in the application justify the granting of the variance, and assure that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure.

### 800.5 CONDITIONS ON APPROVAL

In granting; any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of these regulations and punishable under Section 600.5 of these regulations.

#### 800.6.1 FEE

A Filing fee of \$405.00 payable to the Town of Killingly shall be required.

#### 800.6.2 OTHER

The Board shall have such powers and duties as provided in the Connecticut General Statutes as amended.