

**CIVIC ASSOCIATION OF SHORT BEACH
ZONING BOARD OF APPEALS
SHORT BEACH, CT 06405**

**RULES OF THE ZONING BOARD OF APPEALS
OF SHORT BEACH, CONNECTICUT**

The Zoning Board of Appeals is established under the Bylaws of the Civic Association of Short Beach.

The Board of Appeals shall have the following powers and duties:

Per section 10.2 Short Beach Zoning Regulations:

10.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Commission or its authorized agent;

10.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and

10.2.3 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration 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 district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

The following are the rules of the Zoning Board of Appeals of Short Beach:

Officers and Duties

I. A Chairman shall be elected by the regular members of the Zoning Board of Appeals. He shall issue the call for all meetings. The meeting shall be ended only by the Chairman or an acting Chairman. The Chairman or his designate has the power to review all applications for completeness and accuracy. He shall prepare and submit all reports as required by law. He shall make and sign all purchase orders for expenditures by the Board. If the Chairman shall be absent from a meeting, the Chairman may appoint a temporary acting Chairman. If the Chairman does not appoint a temporary acting Chairman, a member shall be elected by a majority of the regular members of the ZBA to be acting Chairman.

II. A Secretary shall be elected annually by a majority vote of the Board, and shall serve for the calendar year and until his successor shall be elected. He shall keep the minutes and records of the Board, and shall conduct all correspondence including notifications of decisions. He shall certify records. If the Secretary shall be absent from a meeting, the Chairman or Acting Chairman shall designate an Acting Secretary. He shall be Clerk of the Board and authorized to receive notices of appeal to the Connecticut Superior Court. The Secretary shall prepare and submit minutes of the meeting to the remaining members of the Board and if he shall not be notified of any error or omission within the following week the submission thereof, they shall be deemed approved.

Members Duties:

1). Members shall have the duty of informing the Chairman or Secretary of absence for any upcoming meeting.

2). Members shall review all applications and perform site inspections for all appeal requests.

Meetings:

III. Regular meeting called by the Chairman or Acting Chairman of the Board shall be held on the first Monday of each month at 7:30 p.m. at a designated location or at such other time or place as the Chairman or Acting Chairman of the Board may from time to time determine. Special meetings may be called by the Chairman or Acting Chairman as such notice as he shall determine. Whenever there shall be no business to be transacted at a regular meeting, the Chairman, Acting Chairman may cancel such meeting and inform the members of said cancellation.

IV. All regular meetings shall be open to the public with the exception of executive sessions. A quorum shall consist of four members for the transaction of all business and decisions to allow variances and special exceptions. No member of the Board shall appear for or represent any person in any matter pending before the Board or before the Zoning Commission. No member of the Board shall hear or decide an appeal in which he is directly or indirectly interested in a personal or financial sense. If a member shall be challenged because of interest, the Board shall determine the merit of such challenge. If a member shall be disqualified because of interest, such fact shall be noted in the record of the hearing. The Board shall choose an alternate, if necessary, to act as a member of the Board in the hearing and determination of such appeal in the place and stead of the disqualified member.

V. Notice of Meetings. Notice of the time and Place of a public hearing shall be published in a newspaper having a substantial circulation in the municipality of Short Beach at least twice, at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the second not less than two days before the date of such hearing; by filing a copy of such notice with the Zoning Commission at least seven days in advance of such hearing. Such notice shall state the name of the appellant/applicant, the location of the property, the relief requested, and the time and place of hearing.

VI. Manner of Filing Appeals.

1. All applications for an Appeal For a Variance or Appeal for a Review of Action shall be contained in the official form adopted by the Zoning Board of Appeals (ZBA) for that purpose, which shall be available from the Executive Board of the Civic Association of Short Beach. An appeal shall be taken to the ZBA within sixty (60) days after an appealable action by the Executive Board of the Civic Association of Short Beach.

2. Twelve (12) copies of the Application (Form 30) and Schedule A Information (Form 30A) with original signatures of the applicant (or agent) and the owner shall be submitted, together with the Filing Fee (checks made payable to the Civic Association of Short Beach). All information requested on form shall be completed by applicant and be consistent with all other documents. If extra space is needed, use separate sheets of paper.

3. Applications shall be accompanied by all of the following documents:

3.1. Twelve (12) copies of all pages of the current Deed for subject property;

3.2. Twelve (12) copies of denial of Application For Zoning Permit by Executive Board of C.A.S.B.;

3.3 Twelve (12) original copies of a Property and Boundary Survey, dated after 8/13/96 and conforming to Sec. 20-300b[-1, et seq.,] of the Regulations of Connecticut State Agencies, [as amended,] and each bearing the original signature and seal of a Connecticut licensed surveyor [sic] such survey to include, but not be limited to: Title block, north point, numeric and graphic scale, location map, seal and signature of the preparer and signature, street address, assessor's map, block and lot number, and all revision dates; Boundaries of the property certified to a State of CT Class A-2 Survey Standard (Effective 8-5-98); and Location of all existing buildings, additions, structures, walls, fences, property size, frontage, septic system and landscaping.

3.4. Twelve (12) copies of a Topographical Survey are required if topographical conditions are claimed as a hardship. In addition, photographs of conditions may be submitted;

3.5. Twelve (12) copies of Building Plans. Required for proposed new buildings as well as additions or alterations to existing buildings. All elevation drawings and floor plans need to be accurate, to scale, and include dimensions of structures;

3.6. Twelve (12) copies of a Plot Plan accurately drawn to scale. Plan should agree with A-2 Survey. Plot plans shall include:

a. Dimensions and area of the lot, including apparent width of all abutting street rights-of-way and all other easement and rights-of-way of record;

b. The height, dimensions, setbacks, square footage, number of stories, and location of all existing and proposed buildings and other structures on the lot;

c. The existing and proposed uses of each part of any building;

d. The number of family units the buildings are designed to accommodate;

e. The location, area and dimensions of all required off-street parking spaces and vehicle access; and

f. Plot plans accompanying applications pertaining to commercial uses, including gasoline filling stations, automotive repair garages, and parking lots shall also include the location of any petroleum pumps, plantings, curbs, sidewalks, signage, area lighting with height and intensity, vehicle exits and entrances and all required parking and loading spaces.

4. Applicant is responsible for notification of all adjoining property owners, by certified mail - at least fourteen (14) days prior to hearing. Receipts (certificate of mailing) must be submitted at the hearing. Applicant is also responsible for recording of the variance, if granted, in the Branford Land Records.

5. The Zoning Board of Appeals at its discretion may deny an appeal (without prejudice) for a failure to comply with any of the foregoing rules. Any resubmitted application shall incur a new filing fee.

6. On an application for a rehearing the applicant must allege new facts and prove same at the hearing.

7. Applications are to be submitted to the ZBA, at a ZBA meeting. Only complete applications accompanied by the filing fee and all required documents, collated together, may be submitted to the ZBA. Application[s] will be reviewed for completeness and accuracy in accordance with Section 10.2.3 of these rules. Applications deemed complete and accurate will be formally accepted at the next regular meeting of the ZBA, at which time the date(s) for a public hearing will be set.

8. Public hearings shall be scheduled to commence within sixty-five (65) days after formal acceptance of an application for appeal.

9. The period for public hearing shall be completed within thirty-five (35) days after such hearing commences.

10. All decisions on such matters shall be rendered not later than sixty-five (65) days after completion of such hearing.

Order of Business.

VII. An appeal shall be heard as called in the order in which it appears in the call of the meeting.

VIII. Appeals shall be placed upon the call of the meeting in the order in which they are filed.

IX. If there is a default in the appearance of an appellant/applicant in the call of his appeal, it shall be placed at the foot of the call and shall be called again after the remaining appeals on the call have been heard. If there is a default in the appearance of the appellant/applicant when the appeal is called again, the appeal shall be dismissed for failure to prosecute but without prejudice to a re-hearing at a subsequent meeting after republication of notice at the appellant's/applicant's expense.

X. Objections to evidence on the ground that the witness is incompetent to testify, or on the ground that the evidence is hearsay, or is incompetent, irrelevant or immaterial, shall be ruled by the Chairman or Acting Chairman to be "out of order", or "overruled".

XI. The Chairman, or in his absence the Acting Chairman, may, in his discretion, administer oaths to and compel the attendance of witnesses.

XII. The order of proof shall be as follows:

The appellant/applicant in person or by his agent or attorney, and his witnesses, if any, shall first be heard and each of whom, in turn, may be cross-examined by any one or more opponents; then the opponents shall be heard subject to full right of cross-examination. Rebuttal, sur-rebuttal, by witnesses or by argument of counsel, shall then be heard; all subject to such limitations as to time as the Chairman shall see fit to impose. Hearings of all appeals shall be reported as required by state statute.

The reported transcript of the evidence adduced on each appeal shall be filed and shall form a part of the record of the case.

XIII. Decisions. Each decision shall be entered in the minutes of the Board by the Secretary or Acting Secretary and the date of rendition shall be stated therein. All appeals shall be kept on file and shall be open to the public. Appeals shall be numbered in numerical progression.

Indices shall be kept of all decisions, one by name of the owner and appellant/applicant and the other by location of the property.

XIV. The date of rendition of a decision shall be the date of entry thereof in the minutes of the Board as shown by such minutes.

XV. Notice of the decision of the Board shall be given to the appellant/applicant or his agent or attorney by certified mailing same at the time of the entry thereof in the minutes. A copy of such decisions shall be published in a daily newspaper in general circulation in the town within 15 days of such decisions.

XVI. The decision shall state when the application was heard, and the names of the Board members who heard same; it shall state the application number, the name of the appellant/applicant, relief requested and the property involved; it shall state the date on which the decision was rendered; it shall set forth the resolution adopted; it shall state upon its records the reason for its decision and the zoning bylaw, ordinance or regulation which is varied in its application or to which an exception is granted and when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based; it shall state whether such decision was unanimous, and if not unanimous, it shall state specifically which members of the Board voted for and which voted against. It shall state whether the application was granted, denied, in whole or in part.

XVII. Amendments. These rules may be waived, amended, or revoked by the Board at any meeting.

XVIII. Whenever these rules are or may become inconsistent with the State Laws relating to zoning and the Building Zone regulations of Short Beach, such laws and ordinances shall govern.

Adopted 3/17/77. Revised 12/05/16