



SECTION 71

Zoning Board of Appeals

71.0 [RESERVED]

71.1 AUTHORITY

The Zoning Board of Appeals has all of the powers and duties prescribed by these regulations and the General Statutes of the State of Connecticut, and the Board may adopt rules and procedures necessary to exercise its authority.

71.2 POWERS AND DUTIES

The powers and duties of the Zoning Board of Appeals include the following:

- 71.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Enforcement Officer;
- 71.2.2 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
- 71.2.3 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 the *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.

71.3 SPECIAL FLOOD HAZARD AREA (SFHA)

These Regulations impose special requirements applicable in the *Special Flood Hazard Areas* that incorporate requirements of Chapter 128 of the Town Code of the Town of Old Saybrook “Flood Plain Management.” The Zoning Board of Appeals will hear and decide appeals and requests for variances from the *Special Flood Hazard Area* requirements as described in the Town code. The Board will have the following duties:

- 71.3.1 To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Engineer and deputies in the enforcement and administration of the Town Code;
 - A. To issue variances from the standards of the Town Code, under the general considerations and procedures for variances identified in Chapter 128 of the Town Code.
 - B. To issue variances for the reconstruction, rehabilitation or restoration of *structures* listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the consideration and condition of Paragraphs 5.2 and 5.3 of the Town Code.

- C. Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals acting under this Paragraph 71.3, or any person owning land which abuts or is within a radius of one hundred feet (100') of any portion of the land involved in any decision of the Board, or any Officer, board or commission of the Town of Old Saybrook, having jurisdiction or responsibility over flood hazards in the Town, may take an appeal to the Superior Court of the county or judicial *district* in which the municipality is located in the same manner as provided under the provisions of §8-8 of the General Statutes of the State of Connecticut.