

What is a Variance and When Do I Need One?

When a property owner comes into the Land Use Office to ask about whether or not they can build anything on their property, they need a zoning permit.

One thing I look for in my zoning review is whether the project will meet the Lot Requirements per Zoning Regulations 26.11, for residential properties, and 26.12, for non-residential properties.

Lot requirements include many things such as property setbacks, the distance from the property line to the structure, and the percentage of impervious ground coverage. If someone's proposed project does not meet the land use requirements, they will likely need a variance.

Many properties in town were built prior to 1965, when zoning regulations were established in Clinton. If a property does not meet the lot requirements because their home was built before 1965, that structure is grandfathered. It is considered pre-existing, because it was built before zoning, and non-conforming because it does not meet today's zoning requirements. Those structures are allowed to remain, but if someone wants to add an addition or make exterior changes, they may need a variance.

Variance applications go before the Zoning Board of Appeals. All variance applications require public hearings, meaning the public is allowed to speak in favor of an application, in opposition to an application, or just to ask general questions. If the variance is granted, the decision has to be published in the newspaper. There is a 15-day appeal period after that decision is published, and then the property owner can file the variance in the Town Clerk's Office. The variance is not valid until it is officially filed on the Land Records. The variance stays with the land, not the land owner.

Depending on where the property is located, in a flood zone, in the inland wetlands, or within 100 foot of a coastal resource, more permits may be required.

As always, please contact the Land Use Office at 860-669-6133 with any questions. We're here to help.

Kathy King, Zoning and Wetlands Enforcement Officer

