

**TOWN OF CLINTON
ZONING BOARD OF APPEALS (ZBA)**

**GUIDELINES FOR APPLICATIONS FOR CERTIFICATE OF VARIANCE
AND
CERTIFICATES OF APPROVAL OF LOCATION**

BEFORE PREPARING YOUR APPLICATION

Refer to the Clinton Zoning Regulations (CZR), in particular, Sections 4, 11, 14, 18, 24, 25, 27 and 29 and Appendix A. **The procedures set forth in Section 4 must be followed.** Other sections may apply. The Clinton Zoning Regulations (CZR) are available on line at clintonct.org (go to Government, then Zoning Board of Appeals, then Zoning Regulations). Hard copies are available upon request.

I. APPLICATION

In order to prepare your application, you will need to get:

From the Land Use Office:

- Application Packet
- Bulk Lot Requirement Sheet (CZR Section 25.10 and 25.11)
- CZR Section 4 (Procedures)
- Coastal Area Management (CAM) Application – see clerk
- CAM Map – see clerk
- Water Company Application – see clerk
- DPU Application – see clerk
- Meeting List for Design Advisory Board - see clerk
- Aquifer Protection Regulation Area – for commercial projects - see clerk
- From the Street File for your property, documents that will aid you when filling out the ZBA application i.e. plot plan, septic information, past variances.

From the Assessor's Office, for your property, the

- Assessor's Field Card;
- Assessor's Map; and the
- Abutting Property List (This will be a radius list of properties. The Land Use Staff will help you to identify the abutting properties.)

You will need to include with your application:

- A **Report** from the Clinton Fire Marshall (See CZR Section 4 (Procedures))
- In most cases, a **Report** from the Director of Health for the Connecticut River Area Health (CHRAD) (See CZR Section 4 (Procedures)). Consult Land Use Staff.

Upon completion of the pre-application elements of CZR Section 4 (Procedures) you should submit your application to the Land Use Office along with the application fee. It is recommended that you bring your completed application to the Land Use Office for a preliminary review prior to submission.

II. Fees

A. Application for Variance

Application for Variance (Residential or Commercial)	\$200.00
DEEP (State of Connecticut)	60.00
Microfilming	<u>10.00</u>
TOTAL	\$270.00

B. Application for Certificate of Approval of Location

Application for Certificate of Approval of Location.....	\$100.00
DEEP Fee	\$ 60.00
Microfilming Fee.....	<u>\$ 10.00</u>
TOTAL	\$170.00

C. CAM Application

Residential.....	\$30.00
Commercial.....	\$75.00
DEEP FEE.....	\$60.00*

(*In addition to the \$60 for the ZBA Application)

D. Additional Fees

- **Re-noticing** due to applicant error, withdrawal, or postponement (at applicant's request) to be paid by applicant at cost.
- **Consultants' Expenses:** see CRZ Appendix A.

III. CLOSING DATE

The application, including all documents and fees shall be in the form of a packet and shall be submitted by the end of business on the closing date.

IV. OFFICIAL DAY OF RECEIPT

The "Official Day of Receipt", in accordance with state statutes, is 35 days from the day the application is submitted to the Land Use Office or the next regularly scheduled meeting, whichever comes first. The "Official Day of Receipt" starts the statutory timeline for the completion of an application.

V. POSTING OF THE PROPERTY

See Section 4.14.5 of the CZR Section 4 (Procedures) for details.

FAILURE TO PROPERLY POST THE PROPERTY WILL DELAY THE START OF THE PUBLIC HEARING AT AN ADDITIONAL COST TO YOU. NO SIGN SHALL BE AFFIXED TO A TREE.

VI. MEETING

All applications for a certificate of approval of location and application for a variance require a public hearing. An appeal of the Decision of a Zoning Enforcement Officer requires a hearing. These public hearings/hearings are a part of the regular monthly meeting and heard at the beginning of the meeting. For each hearing the following will take place:

- Presentation of the application;
- Reading of documents and correspondence;
- Inquiries of the Board will be addressed;
- Public testimony will be received;
- Rebuttal to correspondence and/or public comment will be received;
- The Board will determine if they have enough information to make a decision; then
- The Board will continue or close the public hearing.

The public hearing must be started within 65 days of the "official day of receipt". Meetings are held on the third Wednesday of the month at 7:30 P.M. at the Clinton Town Hall unless otherwise stated on the legal notice of public hearing.

You and/or your agent must attend the public hearing. When your application is called, it is expected that you will be ready to proceed with your presentation. If you are not in attendance at that time, your application will be tabled to the end of the public hearings and called again. Failure to attend the public hearing can result in your application being deemed incomplete and your application denied. Should you not be able to go forward that evening, you should contact the Land Use Office no later than 4:00 P.M. on the date of the public hearing.

VII. DELIBERATION AND DECISION

Upon the closure of the public hearing (by Statute the ZBA has 35 days to close a public hearing from the date it opens), the ZBA may or may not make a decision on your application. Although the ZBA tries to make its decisions at the meeting at which a public hearing is closed, Connecticut General Statutes allow the ZBA 65 days from the date the public hearing closes to make its decision. If you do not wish to stay for the deliberation, you may call the ZBA clerk at 860-669-6133 the next business day for the outcome of your application. An application may be withdrawn at any time prior to the rendering of the decision.

By statute, the legal notice of decision must be published within 15 days from the date of decision. In most cases it is published in the Harbor News on the Thursday of the week following the date of the decision. In rare exceptions the legal notice may go into a different publication or be published on a different date. The publication date starts the mandatory statutory appeal period of 15 days during

which time anybody affected by the decision may appeal it to the Middletown Superior Court.

A letter of decision will be sent to the applicant within 15 days from the date of the decision which will include the name of the newspaper and the date of publication.

VIII. Extensions

By statute, extensions are allowed to open a public hearing, close a public hearing and for the rendering of a decision. A total of 65 extension days is permitted.

IX. Decisions on Applications Requiring Design Review Board Review

See CZR Section 4 (Procedures) for additional paperwork that may be required.

X. Post Application Procedures and Starting and Completing your Project – See CZR Section 4 (Procedures).

XI. Special Exception before the Planning and Zoning Commission

When a certificate of approval of location (CAL) is issued, a special exception permit may be needed from the Clinton Planning and Zoning Commission (PZC). Consult the Land Use Office for further information.

If you have any questions on procedures, do not hesitate to call the Zoning Office at 860-669-6133.