

**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. **The procedures set forth in Section 4 must be followed.** Other sections may apply. The Zoning Regulations are available on line at www.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:

- A. From the **Assessor's Office** for your property the
 1. Assessor's Field Card;
 2. Assessor's Map; and the
 3. Abutting Property List (This will be a radius list of properties. The Land Use Staff will help you to identify the abutting properties.)

- B. From the **Land Use Office**:
 1. Application Packet
 2. Bulk Lot Requirement Sheet
 3. CZR Section 4 (Procedures)
 4. State of Connecticut, Department of Energy and Environmental Protection – Division of OLISP (DEEP) Coastal Area Management (CAM) Application – see clerk
 5. CAM Map – see clerk
 6. Water Company Application – see clerk
 7. Meeting List for Design Advisory Board - see clerk
 8. Aquifer Protection Regulation Area – see clerk
 9. 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.

- C. A **Report** from the Clinton Fire Marshall (See CZR Section 4 of the Zoning Regulations).

- D. A **Report** from the Director of Health for the Connecticut River Area Health CRAHD (See CZR Section 4 of the Zoning Regulations).

Upon completion of the Elements of CZR Section 4 (Procedures), you should submit your application to the Land Use Office along with the application fee.

II. Fees

A. Application for Variance

Application for Variance (Residential or Commercial)	\$100.00
DEEP (State of Connecticut)	60.00
Microfilming.....	<u>10.00</u>
TOTAL.....	\$170.00

B. Application for Certificate of Approval of Location

Application for Certificate of Approval of Location.....	\$100.00
Plus: (a) Per Each square foot of building (new structure). \$	0.15
(b) Per Parking Space.....	\$ 5.00
DEEP Fee	\$ 60.00
Microfilming Fee.....	\$ 10.00

C. CAM Application

Residential.....	\$25.00
Commercial.....	\$45.00
DEEP.....	\$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: in the event a third-party consultant is requested by the ZBA: see the Zoning Regulations for the maximum hourly rate.

III. CLOSING DATE

The application, including all documents, fees and digital data (See CZR Section 4 (Procedures)) 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 timeline for the completion of an application.

V. POSTING OF THE PROPERTY

In accordance with CZR Section 4.14.5(b) (Procedures) the property must be posted a minimum of 15 days prior to the public hearing (not counting the day of the public hearing) and continuously thereafter until the close of the public hearing(s). Said notice shall be in the form of a sign, facing and clearly legible from each adjacent public street. Said sign shall be produced of weather resistant material, and shall be professionally lettered or with manufactured lettering with a minimum letter size of two inches (2"). The sign shall be no greater than twenty square feet (20 sq. ft.). **FAILURE TO PROPERLY POST THE PROPERTY WILL DELAY THE START OF THE PUBLIC HEARING AT AN ADDITIONAL COST TO THE APPLICANT. NO SIGN SHALL BE AFFIXED TO A TREE.**

The sign shall contain the following text and the applicant shall fill in the date and time of the hearing:

Application pending on this property before the Zoning Board of Appeals for which a Public Hearing is being held:

Time: 7:30 P.M.

Date: (Consult the Meeting/Closing Calendar)

Place: Town Hall

54 East Main Street

Clinton, CT 06413

For information, call (860) 669-6133.

VI. PROOF OF POSTING

Proof of the posting, i.e. photograph showing date, should be submitted to the Land Use Office) in accordance with CZR Section 4.14.5(a) (Procedures).

VII. PUBLIC HEARING

The ZBA has 65* days from the "official day of receipt" to open the public hearing.

The monthly public hearing and the regular monthly meeting 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. The room assignment will be specified on said notice.

Additional documentation submitted (on paper up to 11 x 17 in size) to the Land Use Office **up to** 4:00 P.M. on the day before the public hearing will be copied, noted and/or distributed to ZBA members prior to the start of the public hearing. Materials submitted after that time will be given to the ZBA at the public hearing. You may also submit documentation at the public hearing. Should you should choose to do this, you should submit the original and 8 copies of this documentation. Once

documentation is submitted for the record, it **cannot** be returned. You may wish to submit photographs of your property and solicit letters of support for your project.

You and/or your agent **are expected to** attend the public hearing. When the Chair calls your application, it is expected that there will be a presentation of your project at that time. If you are not in attendance at that time, your application will be tabled to the end of the agenda and called again. Failure to attend a public hearing can result in your application being deemed incomplete.

After your presentation, the Chair will have a list of documents for your application received up to the close of the last business day before the public hearing, read into the record. All documents received after that time will be read in their entirety into the record. The floor will then be opened for board questions and public comment. You will be given an opportunity for rebuttal. Prior to the closing of your public hearing, the ZBA will adjourn to the regular meeting to consider any requests for excusal from elements of CZR Section 4 (Procedures) you submit.

Be sure to voice all your comments and submit all documentation **BEFORE** your public hearing is closed. Once the public hearing for your application is closed; no new testimony or new comments can be received (staff's technical comments excepted).

The public hearing must **close** within 35* days from the date it opens.

*See "X" below.

VIII. Procedures

See CZR Section 4 (Procedures). Where allowed, a letter requesting excusal from compliance with certain elements of this Section can be submitted.

When an application is accompanied with a letter requesting an excusal from an element of CZR Section 4 (Procedures), the public hearing for said application will be adjourned to the regular meeting whereby the ZBA will consider all requests for excusal.

Action by the ZBA:

- A. All public hearings will be heard.
- B. The public hearing will then be adjourned to the regular meeting to allow the ZBA to consider and act on all requests for excusals from elements of CZR Section 4 (Procedures). When all requests for excusal are acted upon, the regular meeting will be adjourned back to the public hearing.
- C. The ZBA will proceed with the public hearing for the application(s).
- D. Upon adjournment of the public hearing, the regular meeting will be called back to order and the remaining agenda items followed.

IX. DELIBERATION AND DECISION

Upon the adjournment of the public hearing, the ZBA will return to its Regular Monthly Meeting at which time, if your public hearing is closed, it may or may not make a decision on your application. Although the ZBA tries to make its decisions on the evening a public hearing closes, the Connecticut General Statutes allows the ZBA 65* days from the date the public hearing closes to make its decision. If you do not wish to stay for the decision; you may call our 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 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.

You will be mailed a letter of decision within 15 days from the date of the decision. This will inform you of the name of the newspaper and the date of publication.

*See X below.

X. EXTENSIONS

Extensions may be requested by the ZBA to open a public hearing, close the public hearing and to make its decision. During the entire process, **no more than 65 extension days** may be granted on any one application.

XI. FILING OF DOCUMENTS ON THE CLINTON LAND RECORDS

A. Certificates of Variance and Certificates of Approval of Location

If the decision on your application is not appealed, and there was no mandatory review of your application by the Design Review Board**, the certificate of variance will be available at the Land Use Office on the next business day following the last day of the appeal period. Per the CZR, It is the responsibility of the applicant, at the applicant's expense, to file the Certificate on the Clinton Land Records within 6 months (subject to a request for an extension of the same time period) of the expiration of the 15-day appeal period. In most cases, a variance is 1 page long. The Town Clerk's Office should be contacted for the

filing fee. The receipt must be brought back to the Land Use Office. Failure to do this (or ask for a six-month extension to file same) will render the decision void. You will have one year (subject to a request for one additional year) to start your project. Failure to do this will render the variance void. You will have three years from the granting of the variance to complete your project. No extensions of this time period is permitted.

Should the variance be rendered void, and an applicant wishes to proceed as was previously approved, the entire variance process (subject to the current CZR) would have to be repeated.

B. **Design Review Board

When there is a **mandatory** referral to the Design Review Board (See CZR Section 4 (Procedures) **AND** the application is approved by the ZBA, the approval of the ZBA must be certified by the ZBA at the next regular meeting following the decision. Said certification must be filed on the Clinton Land Records at the expense of the record owner of the property. The Certificate of Variance or Certificates of Approval of Location (CAL) will not be valid until this certification has been filed on the Clinton Land Records. The certification and the certificate of variance and/or certificate of approval of location will be available at the Land Use Office on the next business day following the regular meeting at which the certification is considered.

C. Certificates of Approval of Location

Certificates of Approval of Location will be held until the decision of the ZBA is certified. The certificate of decision must be filed on the Clinton Land Records at the cost of the record owner of the property. Said certificates must be filed on the Clinton Land Records. The documents will be available at the Land Use Office on the next business day following the meeting at which the certification of the decision of the ZBA is considered.

PRIOR TO THE FILING OF THE CERTIFICATE, IT **MAY NOT** BE REMOVED FROM THE TOWN HALL.

XII. Special Exception before the Planning and Zoning Commission

When a certificate of approval of location is issued, it is **mandatory** that a special exception application be heard by the Clinton Planning and Zoning Commission (PZC) (See CZR Section 4 (Procedures). The application for special exception may be filed simultaneously with the CAL; however, the PZC must have a decision from the ZBA on the application for a CAL before it can make its decision on the application for special exception.

XIII. BUILDING PERMIT

You have **12 months** from the date the certificate of variance is filed on the Clinton Land Records to start your project. Failure to do this will render the variance void. (If needed, you may apply for an extension of up to one year to start your project.)

Your project must be completed in accordance with CZR Section 4.17 (Procedures) of the zoning regulations.

XIV. SUMMARY OF SEQUENCE OF PROCEDURE

1. Submittal of application upon compliance with all elements CZR Section 4 (Procedures) Obtain reports from the fire marshal and director of health.
2. Public Hearing
3. Regular Meeting (deliberation);
4. Decision
5. Publication of Legal Notice of Decision
6. Fifteen-day appeal period
7. Certification of Decision (See XI above)
8. Issuance of certificates

XV. COMPLETING THE APPLICATION

The application is self-explanatory. The zoning staff is available to assist you.

XVI. CAM APPLICATION & MAP

Consult with the zoning staff to see if your project requires a CAM application. The form is self-explanatory. The zoning staff is available to assist you.

Whenever you submit a CAM application, you will have to plot the approximate location of the project on the CAM Map and submit this with your application.

XVII. AQUIFER PROTECTION AREA

Consult with the zoning staff to see if your project requires an Aquifer Protection Application.