

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

**GUIDELINES FOR APPLICATIONS
FOR
CERTIFICATE OF VARIANCE**

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.

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 Site Plan Review (CAM) Application – see clerk
- Coastal Resources (CAM) Map – see clerk
- Water Company Notification Form – see clerk
- DPH Notification Form – see clerk
- Meeting List & Application 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:

- 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)). See clerk.

It is recommended that you bring your completed application to the Land Use Office for a preliminary review prior to submission.

II. Fees

See ordinance or clerk. Cash or check is acceptable.

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 statute, 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 NAILED TO A TREE.

VI. PUBLIC HEARING

The public hearing is the presentation of your application, including public testimony and Board comments. it is part of the regular monthly meeting.

The public hearing must be started, by statute, 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.

After your presentation the list of documents received up to 4:00 P.M. on the day before the meeting will be read into the record. Upon request, a document from the list will be read into the record. Documents received after that time will be read into the record at the public hearing. ZBA and public comment will then be accepted. You will be given an opportunity to offer rebuttal testimony. Upon completion of all comments and rebuttal, the ZBA will make a determination as to

whether it has enough information to render a decision. If it does, your public hearing will be closed. If it does not, your public hearing will be continued to the next meeting.

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, 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 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. The cost of republishing of the legal notice due to the action of the applicant, shall be borne by the applicant.

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

See staff.