

Town of Thomaston

ZBA Application Packet

Appeal of ZEO'S Decision



ZONING BOARD OF APPEALS GUIDELINES AND PROCEDURES
FOR APPLICANTS WHO APPEAL A DECISION
OF THE ZONING ENFORCEMENT OFFICER

The following guidelines have been adopted by the Thomaston Zoning Board of Appeals in order to assist applicants in submitting an application to appeal the decision of the Zoning Enforcement Officer (ZEO) pursuant to the powers authorized by the Connecticut General Statutes.

Applications requesting to overturn the decision of the ZEO must explain in detail and provide reasons for the appeal. All appeals must be made within thirty (30) days of the receipt of the notice of violation, decision or order.

All applicants should follow the guidelines listed below in the order:

1. Visit the Building and Land Use Office, Thomaston Town Hall, 3rd Level, 158 Main Street. An office appointment can be arranged by calling (860) 283-8411 Monday to Wednesday 8:00 am to 4:00 pm, Thursday 8:30 am to 6:00 pm, and Friday 8:30 am to 12:00 pm.
2. The Land Use Officer will explain the application process in detail, respond to any comments or questions regarding the application form, and inform you as to the documentation required to complete the process.
3. The Land Use Officer will inform you as to the date and time of the next regularly scheduled meeting of the Zoning Board of Appeals and the deadline date for submitting the completed application. The Zoning Board of Appeals meets in Meeting Room #1, Fourth Level, Thomaston Town Hall, 158 Main St., the second Tuesday of each month, unless otherwise noted. All meeting dates, meeting minutes, and agendas are posted in the Office of the Town Clerk and are available for review on the Town of Thomaston website www.thomastonct.org
4. In order to post the proper legal notice, the application form and other documentation must be complete. Staff to the Zoning Board of Appeals must receive all applications a minimum of twenty (20) days prior to the next regularly scheduled meeting. This requirement ensures that the required legal notices can be properly prepared, worded, and published in the newspaper in a timely manner as required by the Connecticut General Statutes.
5. A checklist attached to the application must be completed and submitted as part of the application.

The following items must be submitted with your application:

- Cash or a check for the required fee made payable to the Town Of Thomaston.
- Reasons, information, and documentation explaining the reason for the appeal of the ZEO's decision.
- Written confirmation that the ZEO has been notified of the appeal.
- A signed copy of the Notice to All Zoning Board of Appeal Applicants who are appealing a decision of the ZEO must be submitted with the application.
- The applicant may submit photographs with the application or at the Public Hearing. All submitted photographs become part of the record and will remain with the application file in the Building and Land Use Office.

6. Your application form and other documentation must be submitted to the Land Use Office. The Thomaston Land Use Officer will provide all necessary forms and applications.
7. As soon as the completed application form and related documentation has been received, the process will begin. You will be notified as to the date, time, and place of the public hearing via first class mail. All affected property owners, including yourself, are usually notified within ten (10) to fourteen (14) days prior to the public hearing.
8. Once the application is received, the required legal notice posted in the newspaper, and adjoining property owners are notified, **the applicant must attend the public hearing on the application.**
9. **The applicant and or his agent must attend the public hearing and must be prepared to present the application to the Zoning Board of Appeals on the night of the public hearing.** The following is a typical meeting scenario that may occur at a regular meeting of the Thomaston Zoning Board of Appeals:
 - The Chairman or presiding Officer of the Zoning Board of Appeals calls the meeting to order.
 - The Chairman announces the application on the public hearing agenda and then requests the Secretary of the Zoning Board of Appeals to read aloud the legal notice that was published twice in the newspaper.
 - The Board will then ask if anyone is in the room to present the Appeal Application. **Please be aware that the Board has already received a copy of your application along with a staff memo reviewing the application. It is highly recommended that the applicant retain a copy of the submitted application and documents for their use when presenting the application to the Board.**
 - The applicant must either sit or stand at the meeting table and explain to the Board exactly why the ZEO was in error in making his or her decision as the decision relates to the Zoning Regulations of the Town of Thomaston.
 - The ZEO then provides evidence and documentation as to how his or her decision was made as it relates to the Zoning Regulations.
10. The Board must consider the following facts when reviewing a request to overturn the decision of the ZEO:
 - Did the ZEO make an error in the issuance of an official order or decision as the decision relates to the Zoning Regulations of the Town of Thomaston?
 - The Board is not being adversarial when it asks questions of the applicant or listens to public comment on an application. The Board has a responsibility pursuant to the Connecticut General Statutes to hear all people.
 - Would the strict application of the Zoning Regulations deprive the applicant of substantially the same rights enjoyed by owners of other lots in the zoning district subject to the same zoning regulation?

11. After the Board has heard from the applicant, the public, and asked questions, the Board has the following options:
- The Board can close the hearing and render a decision that night.
 - The Board can continue the hearing for thirty-five (35) days in order to permit the applicant or ZEO to provide more information for the next public hearing. Once the public hearing is closed, no new information can be submitted by the applicant or received by the Board from any parties.
 - The Board can close the hearing and table action on the application because the Board has sixty-five (65) days from the date of the close of the public hearing to render a decision on the application.
 - The Board may continue the public hearing and schedule a site walk to visit the property, which is the subject of the variance application. A site walk is not a meeting at which testimony will be taken by the Board members rather it is an opportunity for the Board members to see the property themselves prior to rendering a decision on a pending application.
12. If the Board makes a decision on the application, staff will send a letter of the Board's decision to the applicant and publish a legal notice in the newspaper within fifteen (15) days from the date of the decision of the Board.

The above "Guidelines and Procedures for Applicants" was adopted at a regular meeting of the Thomaston Zoning Board of Appeals on January 13, 2009.

James Wilson, Chairman
Thomaston Zoning Board of Appeals

Edward Eaton, Secretary
Thomaston Zoning Board of Appeals



Zoning Board of Appeals
158 Main Street
Thomaston, Ct 06787
Telephone: 860-283-8411 Fax: 860-283-2893

Application # _____

Date Received: _____

Fee \$ _____

**APPLICATION TO APPEAL A DECISION
BY THE THOMASTON ZONING ENFORCEMENT OFFICER**

(If there are two or more applicants, provide the following information for each)

Name: _____

Mailing Address: _____

Home Phone: _____ Business Phone: _____

Property Information

Owner(s) of subject property: _____

Street address of subject property: _____

Is the property located with 500 feet of any town line? Yes _____ No _____

If so, which towns? ___ Harwinton ___ Litchfield ___ Terryville ___ Waterbury ___ Watertown

Appeal Information

Date of Zoning Enforcement Officer's decision: _____

Description of the Zoning Enforcement Officer's decision: _____

Signature of Applicant

ATTACH TO THIS FORM:

1. Reasons and information explaining the reason for the appeal of the ZEO's decision.
2. Written confirmation that the ZEO has been notified of the appeal.
3. Application fee; cash or check payable to the Town of Thomaston
4. Applicants are responsible for all costs associated with this application (ie. legal publications, mailings, engineer reviews).

If the application is submitted by a Limited Liability Corporation (LLC), a Limited Liability Partnership (LLP) or if the owner of the property is an LLC or LLP, the applicant must provide written documentation as to who are the members of the LLC or LLP.

The applicant must provide written permission from the members of the LLC or LLP permitting the filing of the variance application. This permission may be in the form of a written corporate resolution signed and dated by all members of the LLC or LLP or other signed and dated authorization from the owners of the property.

If it is member-managed LLC or LLP all members of the LLC or LLP must sign a written document granting permission for the application to be filed.



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APPEALS APPLICATION CHECKLIST FOR THE ZONING BOARD OF APPEALS

This checklist must be submitted with the completed application

(Please check as each item is completed)

- Reasons and information explaining the reason for the appeal of the Zoning Enforcement Officer's (ZEO) decision.
- Written confirmation that the ZEO has been notified of the appeal.
- Application fee; cash or check payable to the Town of Thomaston.
- Applicants are responsible for all costs associated with this application (e.g. legal publications, mailings, engineer reviews).



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**Notice to All Zoning Board of Appeals Applicants
who are appealing a Decision of the Zoning Enforcement Officer**

This checklist must be submitted with the completed application.

1. The Application to the Zoning Board of Appeals must be filled out **completely or it may be denied** by the Board as incomplete.
2. **Application fees are not refundable. The application fee is \$435.00** *(Section 22a-27j of the Connecticut General Statutes requires that a \$60.00 additional fee be charged for all ZBA applications).*

The total fee payable to the Town of Thomaston is \$495.00.

3. **Outside Consultants Costs:** *(An outside consultant means a professional who is not an officer or employee of the Town).*

If the Board requires a review by an Outside Consultant i.e. engineer, hydrologist, environmental, or planning consultant the applicant must pay for the cost of the Outside Consultants review. If the Board requires an outside consultant to review your application a written estimate of the cost of the review is requested by Board Staff and the written estimate is sent to the applicant.

The applicant then pays the Town for the Cost of the Outside Consultant and the Town pays the Outside Consultant for the review. The review of the Outside Consultant required by the Commission will not begin until the cost of the review is paid by the applicant to the Town of Thomaston. **If the cost of the outside consultant review fee is not paid in a timely manner, it may lead to the denial of your application by the Board as incomplete due to the required statutory time frames as to when the Board must render a decision on your application.**

By signing this, you acknowledge that you have read the all of the Information stated in this document entitled “**Notice to all Zoning Board Appeals Applicants Who are Appealing a Decision of the Zoning Enforcement Officer**” and agree to pay all costs associated with this application submitted to the Thomaston Zoning Board of Appeals.

Applicant or Agent

Date

Witnessed By

Date

This sheet must be submitted with the completed application.