

## City of New Britain

### INSTRUCTIONS AND PROCEDURES OF THE ZONING BOARD OF APPEALS

- 1. MEETING:** Regular meetings of the Board are held on the third (3<sup>rd</sup>) Thursday of every other month at **6:00 p.m.** In Room 201, City Hall, or such other time or place as the Chairman or Acting Chairman may designate.
- 2. APPLICATIONS:** Applications shall be filed quintuplicate (5 copies) in the Building Department. The original **must be signed by the owner of the subject property, and the applicant** (if other than the owner) or the applicant's agent and shall be notarized. All pertinent questions on the application must be answered and all information required by the form to be given shall be stated concisely. Additional statements may be added, on separate sheets. The required filing fee must accompany all applications.
- 3. LIST OF PROPERTY OWNERS:** A **list of names and complete addresses** including zip codes of property owners whose property abuts; is directly across the street, and/or within 100 feet of the subject property, as listed in the current City of New Britain Assessor's records, must accompany the application.
- 4. FILING FEES:** A check payable to "**Treasurer, City of New Britain**" must be attached to the application. Applications for Variances and Special Exceptions shall be \$260.00; Variances and Special Exceptions for alcohol permit locations shall be \$400.00; Motor Vehicle Sales, Service or Repair Uses shall be \$400.00; and Appeals from the decision of the Building Official/Zoning Enforcement Officer shall be \$260.00.
- 5. PLOT PLANS:** Applications shall be accompanied with five (5) copies of a plot plan consistent with Connecticut Department of Consumer Protection regulations "Minimum Standards of Accuracy, and Certification for Survey and Maps" and three (3) sets of building plans, which adequately illustrate the new or existing building, addition, or alteration involved. One set of plans will be returned to the applicant at his/her request after the Board's decision.
  - Applications for variances or special exceptions pertaining to liquor outlets shall be accompanied with five (5) copies of a map showing the location of other outlets within 1,500 feet as defined in the Zoning Ordinances. These maps shall be Class D data accumulation plans.
  - If topographical conditions are claimed as hardship, applications shall be accompanied with photographs or topographic survey showing the conditions that created the pertinent hardship. Any topographic survey shall be either Class T-2 or T-3.
- 6. WITHDRAWALS OF APPLICATIONS:** Petitions may be withdrawn before the closing date and the fee will be refunded.
- 7. POSTPONEMENT:**
  - At any meeting or hearing at which a full Board consisting of seven (7) members and/or seated reserve members/alternates are not in attendance, the applicant may postpone a hearing on his/her application without prejudice until the next regular meeting of the Board, at which time the Board shall proceed with a hearing and action on the application/appeal even in the event that a full Board is not in attendance.
  - In the event an applicant/appellant requires a postponement or continuance for one (1) month of action on their application, other than for reasons of a lack of a full seven (7) member board, said applicant shall be assessed a fee equivalent to the original application fee.
  - The Board, at its discretion, may postpone a public hearing or decision on an application or appeal for good cause. Good causes include concerns regarding adequacy of public notice, lack of information deemed to be necessary by the Board for the public hearing and/or Board action.
- 8. REHEARING:** The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months, a decision by the Board or by a Court on an earlier such application, or in the event of withdrawal of the application after being heard by the Board. On an application for a rehearing, the applicant must be **allege and prove substantial new facts** or conditions.
- 9. QUORUM:** Four members of the Board shall constitute a quorum at any public hearing. Approval of all applications for variances, special exceptions, appeals of decisions of the Zoning Enforcement Officer or any official, or any other matter requires five (5) affirmative votes.
- 10. APPEALS FROM RULINGS:** Any appeal may be taken to the Zoning Board of Appeals by any person aggrieved by, or by any officer, department, Board or bureau aggrieved by a decision of the Building Official/Zoning Enforcement Officer or his agent, and shall be taken within thirty (30) days of the date of the action.
- 11. ABSENCE OF APPLICANT:** In the event an applicant or his/her agent or attorney fails to appear for a public hearing involving an application for a variance, special exception, approval of location, or an appeal of the decision of the Building Official or the Zoning Enforcement Officer, the Board shall place the item at the bottom of the agenda for the public hearing. If the applicant or his/her agent or attorney fails to appear, the application shall be dismissed without prejudice.
- 12. VIEWING OF PROPERTY:** The Board, or its individual members, may view any property for which an application has been scheduled for public hearing, prior to the public hearing of the application.
- 13. COMPLIANCE:** It is the responsibility of the applicant to submit the affidavit of compliance with all the notification requirements.

**THE BOARD MAY DISMISS AN APPEAL FOR FAILURE TO COMPLY  
WITH ANY OF THE FOREGOING RULES.  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**