



Town of Thomaston
Zoning Board of Appeals
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Frequently asked Questions regarding the Zoning Board of Appeals **Application Process for Variances**

What is a variance of the Zoning Regulations?

A variance permits you to act in a manner that is not permitted within the Zoning Regulations of the Town of Thomaston. An example of a variance would be a request to locate an addition to a house closer to a side and rear yard property line than is permitted by the Zoning Regulations.

An applicant must show the Board of Appeals that because of something particular to your property, the strict application of the Zoning Regulations produces an exceptional difficulty or unusual hardship that is different from the other properties in the same area of town. The hardship or exceptional difficulty cannot be created by the property owner i.e. "self created hardship".

Why do I need a variance?

Whatever you are proposing is not permitted by the Zoning Regulations of the Town of Thomaston.

Who can grant a variance to the requirements of the Zoning Regulations?

The Zoning Board of Appeals pursuant to Section 8-5 and 8-6 of the Connecticut General Statutes is the only Board in Thomaston that can grant a variance to the Zoning Regulations.

When does the Zoning Board of Appeals meet?

The Zoning Board of Appeals meets the second Tuesday of each month unless otherwise noted. The Board meets at 7:00pm in Meeting Room #1, Fourth Level, Thomaston Town Hall, 158 Main Street, Thomaston, CT. All meeting dates, agendas, and meeting minutes are posted in the Office of the Town Clerk or are available for review on the Town of Thomaston's website www.thomastonct.org.

How does the Zoning Board of Appeals conduct their hearings?

The Chairman of the Zoning Board of Appeals will call the meeting to order and the Secretary of the Board will read the legal notice into the record of the meeting. The Applicant must then stand or sit at the meeting table and present their application to the Board.

How do I obtain an application?

You can download an application from the Town's website at www.thomastonct.org
Or pickup an application in the Building and Land Use Office on Level 3 of the Town Hall located at 158 Main Street Thomaston, CT. Office Hours are Monday to Wednesday 8:00am to 4:00pm, Thursday 9:00am to 6:30pm and Fridays 8:30am to 12 noon.

How does an Applicant present the application to the Board?

The Board has already received a copy of your application with a staff memo reviewing the application. It is suggested that the applicant retain a copy of the submitted application so it can be used by the applicant when presenting the application to the Board.

The Applicant must either sit or stand at the meeting table with the Board and explain to the Board exactly what type of variance is being requested i.e. a front, rear, or side yard property setback that is different than what is permitted by the Zoning Regulations of the Town of Thomaston. The applicant must also be prepared to explain to the Board what hardship or unusual characteristics of their warrants a variance from the Zoning Regulations of the Town of Thomaston. What are the unusual or unique characteristics of your property as compared to other properties in the same zoning district that makes it difficult for you to use your particular property in compliance with the Zoning Regulations.

The Applicant can submit photographs of the property to assist the Board in rendering a decision on the application.

Does the Board make a decision the same night as the public hearing?

The Board has thirty-five (35) days to keep the hearing open on the application. If additional information is required, the Board may keep the public hearing open to allow the applicant or anyone else to provide additional information.

If all the information is received the night of the public hearing and the Board does not have any further questions, the Board may close the public hearing on the application and render a decision that night.

Please be aware that the Board may close the public hearing the same night the hearing is opened, but may not render a decision until the next monthly meeting.

The Board has sixty-five (65) days from the date the public hearing is closed to render a decision on the application.

Does the Board visit the property, which is the subject of the variance?

Yes, the Board members may visit the site individually prior to the public hearing on the Application.

Or

The Board may schedule a field trip to view the site together. The field trip is a posted public meeting of the Board filed with the Town Clerk. There is not any discussion on a field trip. The field trip is intended to provide clarification for Board members.

How many members are on the Zoning Board of Appeals?

The Board consists of five (5) regular members and three (3) alternate members.

Are there a certain number of votes of the Board members that is required in order to grant a variance?

Yes, pursuant to Section 8-7 of the Connecticut General Statutes there must be four (4) affirmative votes of the Zoning Board of Appeals in order to grant a variance to the Zoning Regulations of the Town of Thomaston.

A vote three (3) in favor and two (2) opposed to the variance request constitutes a denial of the variance.

A tie vote two (2) in favor of the variance and two (2) opposed to the variance constitutes a denial.

A vote two (2) in favor of the variance and two (2) opposed to the variance and an abstention constitutes a denial.

The Zoning Board of Appeals will always ask the applicant if there are only four (4) Board members present if the applicant would prefer that the Board wait to vote on an application until five Board members are present.

If my application is approved, what is the timeframe to receive my zoning approvals?

The Zoning Enforcement Officer (ZEO) will publish the legal notice in the newspaper within fifteen (15) days from the date of the decision. An approval letter will be mailed by the ZEO within fifteen (15) days from the date of the approval.

A Certificate of Variance will be signed by an Officer of the Zoning Board of Appeals and the Applicant must file the Certificate of Variance in the Land Records in the Office of the Thomaston Town Clerk within one (1) year from the date of the Approval.

Once the Certificate of Variance is filed then you may complete the administrative application for a Zoning Permit and upon payment of the Application fee for the Administrative and review by the ZEO you will receive your Administrative Zoning Permit.

The Zoning Permit does not constitute a Building Permit. Please see the Building Official about necessary building permits.

Do I need to pay a fee in order to file an application for a Variance?

Yes, an application fee must be paid. The applicant is also responsible for paying the cost of the publication of any legal notices in the newspaper and any mailing or administrative costs required by Chapter 154 Fees of the Code of the Town of Thomaston and the Connecticut General Statutes.

See Notice to All Zoning Board of Appeals Applicants in the Zoning Board of Appeals Application Packet.

Is the Application fee refundable if my Application for a Variance is denied by the Zoning Board of Appeals?

No

If my Application for a Variance is denied, can I reapply to the Zoning Board of Appeals?

Yes, you may reapply but be aware Section 8-6 of the Connecticut General Statutes states that **No Zoning Board of Appeals shall be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Zoning Board of Appeals or by a court on an earlier application.**