

The attorneys at Fazzone Ryan & Ricciuti, LLC have 25 years of experience representing individuals and businesses in all aspects of the land use process obtaining zoning and wetlands permits for homeowners seeking to obtain variances, and to developers looking to build large subdivision or commercial developments. We have appeared before municipal planning, zoning and wetlands commissions, zoning boards of appeal, and state administrative agencies in many Connecticut towns and cities. Our advocacy extends to the appeal process at the administrative level, as well as at the trial court and appellate court levels.

This pamphlet is offered free by Fazzone Ryan & Ricciuti, LLC and is intended to help answer some of the questions you may have about zoning and land use laws. We also offer “Top 10 Q & A’s” on estate planning, estate administration, elder law and buying and selling real estate.

Of course, you may have additional questions which we will also be pleased to answer for you. For a free initial consultation, simply call (203) 250-2222. Fazzone Ryan & Ricciuti, LLC. We’re here for you.

Our attorneys and staff are dedicated to providing the highest quality service and exceeding our clients’ expectations.

FAZZONE RYAN & RICCIUTI, LLC

LAW OFFICES

One Town Center
PO Box 785
Cheshire, Connecticut 06410

Telephone: (203) 250-2222
Fax: (203) 250-7388

E-Mail: info@fazzoneryan.com
Website: www.fazzoneryan.com

FAZZONE RYAN & RICCIUTI, LLC

LAW OFFICES

*The Top 10 List
of Most Commonly
Asked Questions about:*

Zoning & Land Use

*Quick answers to your questions
about zoning and land use*

1. What is zoning?

Zoning is the way a town or city government controls the development of land and dictates what individuals may actually build on their property. Among other things, the zoning regulations apply to residential, industrial, and commercial development. Local planning and zoning boards must abide by certain zoning regulations enacted to protect the welfare, property values, public health and safety of the town's/city's residents as well as the comprehensive zoning plan created for the town or city.

2. What types of projects need approval by a zoning board?

Among the various projects that zoning boards may need to review are additions to homes, or commercial buildings, enlarged garages, surrounding fences and even swimming pools. Before consulting with a licensed contractor or architect, you may wish to consult with an attorney to determine whether your proposed plan satisfies the zoning regulations.

3. What is a variance?

If your proposed improvements do not meet the town's zoning regulations, in limited instances you may file a variance application with the local zoning board of appeals. A variance constitutes permission to act in a manner that is otherwise prohibited under the zoning laws of the town.

4. What is "hardship" within the context of a variance application?

An applicant for a variance must show that, because of some peculiar characteristic of his or her property, the strict application

of the zoning regulation produces an unusual hardship, as opposed to the general impact which the regulation has on other properties in the zone or neighborhood.

5. Are there different types of variances?

Variances are separated into two general types: area variances and use variances. The most common variance is the area variance. Area variances allow a deviation from the zoning regulations that govern physical location and improvement of a property - - for example, setback, building height, lot width or lot area. A use variance permits a use of property that would otherwise be prohibited within the property's zone district. Many municipalities prohibit all use variances.

6. What is a special permit?

Special permits may be granted for uses that the zoning regulations expressly allows under certain conditions specified in the regulations. The special permit has become a popular means of zoning control by municipalities, as an alternative to having the zoning regulations organized so that only particular, specified uses are allowed in a certain zoning district.

7. What is the difference between a variance and a special permit?

A special permit differs from a variance because a special permit allows a use specified in the regulations subject to certain specified conditions, whereas a variance allows a use that is otherwise not allowed by the zoning regulations.

8. What is a site plan?

A plan filed with a planning and zoning commission to determine the conformity of a proposed building, use or structure with specific provisions of the zoning regulations. It is a physical plan depicting the layout and design of a proposed use, including buildings and parking areas and their relation to neighboring roads and uses. The site plan must contain all of the information required by the zoning regulations for the particular use.

9. Does the planning commission have any independent discretion in approving or denying a site plan application and a special permit application?

The role of the planning and zoning commission is to decide whether the site plan complies with the site plan regulations and applicable zoning regulations, but the commission has no independent discretion beyond this determination. With a special permit application, the commission has the discretion to determine whether the proposal meets the standards set forth in the zoning regulations.

10. Can I appeal the decision by the zoning commission?

All decisions of a planning commission are appealable to the Superior Court. However, there are statutory time limits that apply to appeals. Appeals from decisions of planning commissions and zoning boards of appeals must be taken within fifteen days after publication of a legal notice of the agency's decision in a local newspaper.