



General Assembly

**Amendment**

January Session, 2005

LCO No. 7882

**\*HB0578507882SRO\***

Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: House Bill No. 5785

File No. 815

Cal. No. 599

**"AN ACT CONCERNING THE POWERS OF THE ZONING COMMISSION OF THE NOANK FIRE DISTRICT AND VOTING AT MEETINGS OF THE FALL MOUNTAIN LAKE PROPERTY OWNERS ASSOCIATION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 8-6 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The zoning board of appeals shall have the following powers  
6 and duties: (1) To hear and decide appeals where it is alleged that  
7 there is an error in any order, requirement or decision made by the  
8 official charged with the enforcement of this chapter or any bylaw,  
9 ordinance or regulation adopted under the provisions of this chapter;  
10 (2) to hear and decide all matters including special exceptions and  
11 special exemptions under section 8-2g upon which it is required to  
12 pass by the specific terms of the zoning bylaw, ordinance or  
13 regulation; and (3) to determine and vary the application of the zoning

14 bylaws, ordinances or regulations in harmony with their general  
15 purpose and intent and with due consideration for conserving the  
16 public health, safety, convenience, welfare and property values solely  
17 with respect to a parcel of land where, owing to conditions especially  
18 affecting such parcel but not affecting generally the district in which it  
19 is situated, a literal enforcement of such bylaws, ordinances or  
20 regulations would result in exceptional difficulty or unusual hardship  
21 so that substantial justice will be done and the public safety and  
22 welfare secured, provided that the zoning regulations may specify the  
23 extent to which uses shall not be permitted by variance in districts in  
24 which such uses are not otherwise allowed. No such board shall be  
25 required to hear any application for the same variance or substantially  
26 the same variance for a period of six months after a decision by the  
27 board or by a court on an earlier such application.

28 (b) Any variance granted by a zoning board of appeals shall run  
29 with the land and shall not be personal in nature to the person who  
30 applied for and received the variance. A variance shall not be  
31 extinguished solely because of the transfer of title to the property or  
32 the invalidity of any condition attached to the variance that would  
33 affect the transfer of the property from the person who initially applied  
34 for and received the variance.

35 (c) No zoning board of appeals in a municipality which has adopted  
36 zoning regulations under section 8-2 or any special act shall require a  
37 person granted a variance to apply again for such variance or  
38 otherwise restrict the period of time such variance is valid."