



# Senate

General Assembly

**File No. 226**

January Session, 2007

Senate Bill No. 1085

*Senate, April 2, 2007*

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING ZONING APPEALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 8-8 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (b) Except as provided in subsections (c), (d) and (r) of this section  
5 and sections 7-147 and 7-147i, any person aggrieved by any decision of  
6 a board, including a decision to approve or deny a site plan pursuant  
7 to subsection (g) of section 8-3 or a special permit or special exception  
8 pursuant to section 8-3c, may take an appeal to the superior court for  
9 the judicial district in which the municipality is located,  
10 notwithstanding any right to appeal to a municipal zoning board of  
11 appeals under section 8-6. The appeal shall be commenced by service  
12 of process in accordance with subsections (f) and (g) of this section  
13 within fifteen days from the date that notice of the decision was  
14 published as required by the general statutes. The appeal shall be  
15 returned to court in the same manner and within the same period of

16 time as prescribed for civil actions brought to that court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	8-8(b)

**PD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The Judicial Department could handle any potential caseload increase under the bill without requiring additional resources.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****SB 1085*****AN ACT CONCERNING ZONING APPEALS.*****SUMMARY:**

This bill allows an appeal of a zoning decision a special permit or special exception to go to the Superior Court for the judicial district where the property is located, notwithstanding any right to appeal the decision to the local zoning board of appeals (ZBA). By law, zoning regulations can require a special permit or special exception for certain classes or kinds of buildings or land uses in a zone.

EFFECTIVE DATE: October 1, 2007

**BACKGROUND*****Related Court Case***

In *Jewett City Savings Bank v. Town of Franklin*, 280 Conn. 274 (2006), the Supreme Court held that special exception review constituted “enforcement” of zoning regulations. As a result, if local zoning regulations allowed an appeal of a special exemption to the ZBA, it must be appealed there before an appeal can be taken to the Superior Court.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 19    Nay 0    (03/14/2007)