

SECTION 16 - ZONING BOARD OF APPEALS

16.1. Powers and Duties. The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by the General Statutes and by these Regulations. Such powers and duties shall be exercised in harmony with the intent of these Regulations, which is to protect the public health, safety, convenience, welfare and property values in the Town of Lisbon.

16.1.1 Appeals of the Zoning Enforcement Officer. The ZBA shall hear and decide appeals in which it is alleged that there is an error made in any order, ruling, requirement or decision of the Officer charged with enforcement of the Lisbon Zoning Regulations. An appeal must be made in a form prescribed by the ZBA and such appeal must be filed within 30 days after the issuance of such order, ruling, requirement or decision, unless the ZBA, by rule or regulation, prescribes a different time limit.

16.1.2 Variances. The ZBA shall act upon applications for variance of the Zoning Regulations. Such variance shall be granted only upon a determination that enforcement of these Regulations shall result in exceptional difficulty or unusual hardship. Such determination shall be based on a finding of exceptional conditions and qualities specific to the parcel but not characteristic of or affecting generally the district in which the parcel is situated. No use variance shall be granted which would permit a use prohibited by these Regulations.

16.1.3 Approval of Location for Motor Vehicle Facilities. As designated by the General Statutes, the ZBA shall function as the local authority to act upon requests for approval of location of proposed motor vehicle related facilities. No such approval shall be granted until the applicant has demonstrated that such location is suitable for the business intended, with due consideration to its location in reference to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.

16.1.4 Referrals. All proposed appeals and/or variances shall be referred to the Planning and Zoning Commission at least twenty-six (26) days prior to the date assigned for a public hearing on that request. The Commission or its staff may submit an advisory opinion on such referrals prior to the public hearing (s), and the findings of the Planning and Zoning Commission or its staff shall be read into the record of the public hearing. The failure of the Planning and Zoning Commission or its staff to submit a report to the Zoning Board of Appeals shall not prevent the Zoning Board of Appeals from reaching a decision on any matter before it. (Revised/Effective: February 1, 2017)

16.2. Administration.

16.2.1 Procedures. The ZBA shall receive, hear and act upon applications for variances and appeals of the Enforcement Officer in accordance with Chapter 124 Title 8 of the General Statutes. Procedures for requests for approval of location of motor vehicle facilities shall be in accordance with Chapter 246 Title 14 of the General Statutes. When an application for variance is joined with an appeal of an order of the Enforcement Officer, the Board shall first decide the issues presented by such appeal. The ZBA shall also hear and act upon variance applications made pursuant to Section 10.15.8.

16.2.2 Decisions. Any decision of the ZBA may be subject to such conditions or restrictions necessary to insure that the granting of the application or request shall be in harmony with the intent of these Regulations. The Board shall state in the record the reasons for its decision. When a variance is granted, the Board shall describe specifically in the record the exceptional difficulty or hardship on which its decision is based.

16.2.3 Filing. Notice of any grant of variance, special exception or approval of motor vehicle facility location shall become effective upon filing notice of such action in the Lisbon Land Records.

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