



**CITY OF HARTFORD  
ZONING BOARD OF APPEALS**

**BYLAWS**

Adopted  
on April 5, 2016  
and  
Amended on November 19, 2019

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**TABLE OF CONTENTS**

**ARTICLE I. THE BOARD ..... 3**  
**ARTICLE II. DUTIES & POWERS ..... 3**  
**ARTICLE III. BOARD COMMISSIONER APPOINTMENTS..... 4**  
**ARTICLE IV. BOARD COMMISSIONER DUTIES & POWERS ..... 5**  
**ARTICLE V. OFFICERS AND STAFF..... 6**  
**ARTICLE VI. MEETINGS AND VOTING ..... 7**  
**ARTICLE VII. MISCELLANEOUS PROVISIONS .....10**

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**BYLAWS**

*Charter reference: Mandate to establish zoning board of appeals, and hear appeals as set forth in the General Statutes, Ch. VII, § 2 (e).*

**ARTICLE I: THE BOARD**

**Sec. 1. Authorization.**

The Zoning Board of Appeals (the “Board”) of the City of Hartford (the “City”) is authorized by and derives its powers primarily from Chapters 124 and 126 of the Connecticut General Statutes, Chapter VII of the Charter of the City, and Chapter 28 of the City Municipal Code, all as amended from time to time (together with other relevant laws and regulations passed, promulgated, and/or amended from time to time, the “Laws”).

**Sec. 2. Establishment of the Board.**

The City, pursuant to the Connecticut General Statutes, , Article VII, Sec. 2 of the Hartford Charter, and Sec. 28-4 of the City Municipal Code has established the Zoning Board of Appeals.

**Sec. 3. Office of the Board.**

The office of the Board shall be in the office of the City’s director of development services, where all Board records will be kept.

**Sec. 4. Staff of the Board.**

The primary professional City staff serving the Board (“Staff”) shall include planners and administrators.

**ARTICLE II: DUTIES & POWERS**

**Sec. 1. Duty to Hear & Decide Appeals of Error.**

It is the duty of the Board to hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this Chapter 124 & 126 of the Connecticut General Statutes, City ordinance or zoning regulations.

**Sec. 2 Power to Administer Oaths and Compel Attendance.**

The chair of the board shall have the power to administer oaths and compel the attendance of witnesses.

**Sec. 3. Power to Grant Variances.**

The Board shall have the power under Chapter 24 of the Connecticut General Statutes to vary the application of the zoning laws, ordinances, or regulations when the conditions affecting a particular parcel but not the general district cause exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the

extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. The board must take into consideration conserving the public health, safety, convenience, welfare and property value solely with respect to the affected parcel.

#### **Sec. 4. Compliance with Laws.**

Notwithstanding anything to the contrary in these Bylaws, the Board shall fulfill its duties, exercise its powers, and otherwise operate at all times in compliance with the Laws. If the Board has taken some action or failed to take some action in a way that is inconsistent with the Laws, then the action or inaction of the Board shall be reformed or interpreted in such a way to save the Board from noncompliance with the Laws, to the fullest extent permissible by the Laws.

### **ARTICLE III: BOARD COMMISSIONER APPOINTMENTS**

#### **Sec. 1. General Eligibility Requirements.**

Commissioners of the Board, including alternate Commissioners (collectively, the “Commissioners”) must be residents and electors of the City. If any Commissioner shall move from the city or otherwise become disqualified from being an elector, such person’s position as a Commissioner shall be immediately terminated. No Commissioner may serve on the City’s planning and zoning commission. No Commissioner may concurrently serve as a zoning enforcement officer per Conn. Gen. Stat. Sec. 8-11(a).

#### **Sec. 2. Full, Alternate, and Nonvoting Commissioners**

There shall be five (5) full Commissioners nominated by the Mayor and approved by the Council as provided in Chapter IV, V, and VII of the Charter of the City.

There shall be up to three (3) alternate Commissioners nominated by the Mayor and approved by the Council as provided in Chapter III of the Charter of the City. When seated as provided in Article VI of these Bylaws, such alternates shall have all the duties and powers set forth in the Laws for the Board and the Commissioners.

#### **Sec. 3. Terms.**

Commissioners: Terms. The term for full Commissioners shall be staggered terms of four (4) years duration. The commencement of the terms of office of the full Commissioners shall be staggered such that the term of each Commissioner shall expire in five (5) consecutive years, and expirations thereafter shall continue on an annual consecutive rotation thereafter. The expiration dates shall expire on the first (1<sup>st</sup>) Monday of February of each year of expiration. The Council (*or Board??*) shall set the first (1<sup>st</sup>) set of staggered terms by Board resolution.

Alternates: Terms. The term for alternate Commissioners shall be staggered terms of three (3) years duration. The commencement of the terms of office of the alternate Commissioners shall be staggered such that the term of each Commissioner shall expire in three (3) consecutive years, and expirations thereafter shall continue on an annual consecutive rotation thereafter. The expiration dates shall expire on the first (1<sup>st</sup>) Monday of February of each year of expiration. The Council (*or Board??*) shall set the first (1<sup>st</sup>) set of staggered terms by Board resolution.

*Successors:* All Commissioners, whether full or alternate, shall serve until their successors have been appointed and qualified.

#### **Sec. 4. Minority Party Representation.**

Pursuant to Section 9-167a of the Connecticut General Statutes, a maximum of four (4) full Commissioners may be of the same political party. A maximum of two (2) alternate Commissioners may be of the same political party.

### **ARTICLE IV: COMMISSIONER DUTIES & POWERS**

#### **Sec. 1. Attendance at Board Meetings.**

It is the duty of each Commissioner to attend the regular and special meetings of the Board. In the event a Commissioner is unable to attend a meeting, the Commissioner shall notify the Secretary of the Commissioner's intended absence by the Monday morning preceding the scheduled meeting date, unless the reason for the Commissioner's absence cannot be foreseen, in which case notification of such shall be made as soon as reasonably possible.

#### **Sec. 2. Compensation.**

Commissioners shall serve without compensation, provided, however, that the City may reimburse Commissioners for reasonable expenses related to attending meetings and educational training related to their duties as Commissioners.

#### **Sec. 3. Training.**

Each Commissioner appointed to the Board must complete, within one (1) calendar year of his or her appointment, training in the fields of zoning and parliamentary procedure, provisions for which will be made by the Department of Development Services.

#### **Sec. 4. Code of Ethics.**

All Commissioners must abide by the Code of Ethics of the City set forth in Article XIX of Chapter 2 of the Municipal Code, as amended from time to time.

Commissioners shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants and never use their City position or powers for material personal gain. A conflict of interest occurs when any Commissioner engages in any act that advances his or her material personal interests or private financial interests over the interests of the general public. Commissioners should be particularly scrupulous in avoiding even the appearance of conflict of interest. No Commissioner shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of the Commissioner's official duties in the public interest or would tend to impair the Commissioner's independence of judgment and action in the performance of the Commissioner's official duties. A Commissioner shall disclose on the public record of the Board, the existence of any such interest and the Commissioner may not vote or otherwise act (including discussing or advocating a position) on such matters.

Each Commissioner shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the City ethics commission on or before the first of May of the following year in which they hold such a position.

All Commissioners who have knowledge of or believe there to be violations of any provisions in the Code of Ethics of the City are duty-bound to report those violations to the City ethics commission and to the Board.

#### **Sec. 5. Removal.**

Under Chapter VII, Sec. 1(i) of the City Charter, the Mayor may initiate proceedings to remove a Commissioner for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a crime which would undermine the public confidence in the Commissioner's ability to perform the duties of office.

The Chair or Vice Chair may provide a recommendation, with reasons, to the Mayor of the City that a Commissioner, whose conduct includes any of the four circumstances described in the preceding paragraph, or other extenuating circumstances such as incapacity, be removed from office.

#### **Sec. 6. Ex-Parte Communications.**

To the extent possible, Commissioners shall avoid receiving ex parte communications from members of the general public, shall report to the Board the receipt of such communication, and shall encourage such persons to appear at a hearing to publicly state their comments, or to email their comments to the Board's staff to be distributed to all Commissioners at a hearing.

### **ARTICLE V: OFFICERS & STAFF**

#### **Sec. 1. Election of the Chair, Vice Chair, and Secretary.**

In January of each year, the Board shall elect from its membership a Chair (the "Chair"), Vice Chair (the "Vice Chair"), and Secretary (the "Secretary"), each to serve for a term of one year and each to be eligible for reelection.

#### **Sec. 2. Designation of an Acting Chair.**

At a meeting at which the Chair and Vice Chair are absent, the Commissioners present may nominate an Acting Chair from among the Commissioners present.

#### **Sec. 3. Duties and Powers of the Chair.**

The Chair, shall conduct Board meetings, manage public hearings, designate alternates to serve in the place of absent or disqualified Commissioners, have the power to administer oaths, have the power to compel the attendance of witnesses, liaise with the Staff, appoint special committees, sign documents on behalf of the Board, perform other duties normally incident to the position of Chair of this Board, and otherwise fulfill any and all duties required by the Laws.

In the absence of the Chair, the Vice Chair, or in the absence of the Vice Chair, the Acting Chair, shall have all of the powers and duties set forth in the Laws and these Bylaws of the Chair.

#### **Sec. 4. Duties and Powers of the Secretary.**

The Secretary shall sign documents on behalf of the Board when the Chair is not available, assist the Chair in coordinating the work of the Staff, and otherwise fulfill any and all duties required by the Laws.

#### **Sec. 5. Duties of the Staff.**

The Board may call upon any city department for assistance in the performance of its duties and such department shall render such assistance to the Board as may be reasonably required. The staff of the Board shall submit an advisory opinion on any matter before the Board at least four (4) days prior to the public hearing assigned for such matter, and such findings of the staff of the Board shall be read into the record at such public hearing. The failure of the staff of the Board to submit its report to the Board prior to the public hearing shall not prevent the Board from reaching a decision on any matter before it.

As provided in the Zoning Regulations, the director of the department of public works shall submit to the Board a written opinion, and upon request, a verbal opinion at the public hearing, on the traffic and on-street parking implications of applications pending before the Board. This opinion shall be made part of the record at the public hearing. The failure of the director of the department of public works to submit a report to the Board prior to the public hearing shall not prevent the Board from reaching a decision on any matter before it.

Among other responsibilities, the Staff must: draft and disseminate agendas for meetings; record minutes of meetings; write reports of meetings; maintain a website for the Board (among other things, promptly posting meeting agendas before meetings, meeting minutes after meetings, and the year's meeting schedule); provide notice to property owners and others, as may be required by the Laws; keep an accurate roster of Commissioners; post at meetings the Public Hearing Rules of Conduct described in Article VI; and maintain all of the records of the Board at the office of the Board. The Staff shall not act, and shall not be expected to act, in the stead of the Board to fulfill any of the Board's duties as required by the Laws, except as specifically directed by the Board and in any event shall act in full compliance with the Laws. The staff shall post the names of all Commissioners to the Board's website with a generic staff directed and monitored email address for all of the Commissioners and the Board as a whole. The staff shall give to the Board all comments received from the general public regarding any matter before the Board, and include such comments in the hearing records. The staff shall post all current board minutes (at least current 2 years) including the approved resolutions on the Board's website.

### **ARTICLE VI: MEETINGS & VOTING**

#### **Sec. 1. Regular Meetings.**

The regular meetings of the Board shall be held on the first (1<sup>st</sup>) Tuesday of each month at 6:30, or at such other day and time as the Board may determine, provided that the Chair may cancel a regularly scheduled meeting, with notice provided to the general public.

#### **Sec. 2. Special Meetings.**

Special meetings may be called by a majority of the Board or by the Chair. In accordance with Connecticut General Statutes Section 1-225(d), notice of each special meeting shall be posted not less than twenty-four (24) hours before such meeting both on the Board's website and with the City Clerk. The notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be considered. In addition, written notice of such meeting shall be delivered to the usual place of

abode of each Commissioner so that it is received prior to such special meeting, provided, however, that Commissioners may waive this delivery requirement either by appearing at the meeting in question or by providing in writing (including by electronic mail) a waiver to the Secretary or to the director of development services (such individual functioning as the clerk of the Board for the purposes of Connecticut General Statutes Section 1-225(d)).

### **Sec. 3. Voting.**

In accord with Chapter 124 of the Connecticut General Statutes, the concurring vote of four (4) Commissioners of the Board shall be necessary to reverse any order, requirement or decision of the zoning enforcement officer or to decide in favor of the applicant any matter upon which it is required to pass under the regulations or to vary the application of the zoning regulations.

Except as otherwise provided by the Laws, all other voting at each meeting of the Board shall be by a majority vote of the Commissioners eligible to vote who are present at such meeting. Voting may take place by voice vote or by roll call vote, at the discretion of the Chair in consultation with the Secretary.

On any tabled matter, a Commissioner who was absent at the public hearing concerning said matter may vote on the same if present at the time said application is acted upon, providing he or she has reviewed the application and evidence produced at the hearing, and has either read the public hearing transcript, if one is available, or, if not, has listened to the sound recording of the hearing.

### **Sec. 4. Quorum.**

Four (4) Commissioners of the Board shall constitute a quorum at any meeting. At all meetings of the Board, all Commissioners eligible to vote who are present shall count toward a quorum. If only four (4) Commissioners are present, a unanimous decision is required to reverse a decision of a Board or zoning enforcement decision or to vary the regulations.

### **Sec. 5. Seating of Alternates.**

If a regular Commissioner of the board is absent, the Chairman of the Board shall designate an alternate to act in such absent Commissioner's place, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

### **Sec. 6. Action by Consent.**

Any minor, administrative, or other action not required by the Laws to be taken at any meeting of the Board may be taken without a meeting if a majority of Commissioners give written consent to such action by signature or via electronic signature prior to, or concurrently with or following such action and such written consent is filed with the minutes of the next Board meeting. For the avoidance of doubt, communication by email is sufficient.

### **Sec. 7. Public Hearing Rules of Conduct.**

The Board has adopted Public Hearing Rules of Conduct (the "Rules of Conduct"), which control the proceedings during the public hearing portions of Board meetings. The Chair will read aloud some portion or all of the Rules of Conduct, in his or her discretion, at the commencement of any public hearing, and



the Staff will make available written copies of the Rules of Conduct to the general public in a prominent location during the public hearing. The Rules of Conduct are as follows:

1. Each person speaking before the Zoning Board of Appeals (the “Board”) must sign in with name, address, and signature on the sheet provided.
2. Everyone who wishes to speak will have a reasonable opportunity to be heard.
3. Identify yourself before speaking.
4. Your comments should be informational, factual, and relevant to the question before the Board. The Chair may limit a presentation that is derogatory, repetitive, or irrelevant to the question before the Board. In addition, the Chair will assure an orderly hearing and in the event of a disturbance may act in accordance with Section 1-232 of the Connecticut General Statutes to restore order by clearing the room, except for the media, and then readmitting those not responsible for the disturbance.
5. The Board may enforce time limitations and/or ask a speaker to expeditiously conclude his or her comments.
6. Commissioners may ask questions of the speaker at the conclusion of the comments.
7. Written materials may be submitted for inclusion in the record of the hearing.
8. For the duration of the public hearing, please silence all cell phones and electronic devices. If you need to have a conversation, please step out of the room.
9. Commissioners reserve the right to adjourn the hearing and continue it at another time.
10. The public hearing will close when all testimony is completed.

### **Sec. 8. Deadlines for Board Agendas, Reports, and Minutes.**

The agenda for any meeting of the Board shall be released prior to the meeting at which matters so listed are to be considered and shall be publicized in accordance with the Law. Upon receipt of an application or appeal, the Board shall fix a time for the hearing of the appeal or application and give notice thereof to the parties in accordance with the requirements of the general statutes. At such hearing any person may appear and be heard and may be represented by agent or by attorney. Notice shall also be sent by the appellant or applicant by postcard to the owners of record of all property within three hundred (300) feet of the property affected by the application or appeal at least ten (10) days prior to the date of such hearing. It shall be sufficient if such notice is sent by the applicant or appellant to the owner listed upon the last available maps of the Department of Public Works or the last available address in the records of the City Assessor. Before the hearing on such application or appeal, the applicant or appellant shall file an affidavit with the Board affirming that said notice has been timely given.

The Staff’s failure to make publicly available, in the office of the Board and filed with the City Clerk, an agenda by twenty-four (24) hours in advance of a meeting as required by the Freedom of Information Act, shall result in an automatic meeting cancellation

### **Sec. 9 Parliamentary Procedure**

To the extent practicable, all meetings will be conducted under parliamentary procedure as dictated by Roberts' Rules of Order or the "Red Book".

## **ARTICLE VII: MISCELLANEOUS PROVISIONS**

### **Sec. 1. Copies of Bylaws.**

A copy of these Bylaws shall be filed with the City Clerk and at the office of the Board.

### **Sec. 2. Severability.**

In case any portion of these Bylaws shall at any time be found to be unconstitutional or contrary to or in violation of the Laws, such finding shall not affect the remainder thereof, but as to such remainder this Bylaws shall remain in full force and effect until amended or repealed.

### **Sec. 3. Effective Date.**

These Bylaws shall be in force at the effective date of April 5, 2016, and as amended on November 19, 2019, and shall remain in force until amended, repealed or superseded as provided herein.

### **Sec. 4. Amendment.**

These Bylaws may be amended by a majority vote of the Board with one (1) week's notice to Commissioners of the text of, and reasons for, the proposed amendments.

### **Sec. 5. Repeal.**

These Bylaws may be repealed by a vote of four (4) of the Commissioners present and eligible to vote at a meeting with two (2) weeks' notice to Commissioners of an intent to repeal. In the case of a repeal, new Bylaws must be offered and accepted by the Board in order to take the place of these Bylaws to ensure proper functioning of the Board. These Bylaws shall be deemed automatically repealed and shall have no further force and effect if the Board becomes defunct or is abolished pursuant to the Laws.

### **Sec. 6. Construction of These Bylaws.**

All general provisions, terms, phrases and expressions in these Bylaws shall be liberally construed in order that the true intent and meaning of the Board may be fully carried out.

### **Sec. 7. Superseding of Prior Bylaws, Rules, and Regulations.**

All prior bylaws, rules, and regulations of the Board are superseded by these Bylaws as of the effective date.