

Bond Case Briefs

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ZONING - CONNECTICUT

Lowney v. Zoning Bd. of Appeals of Black Point Beach Club Ass'n

Appellate Court of Connecticut - July 16, 2013 - A.3d - 144 Conn.App. 224

Applicant sought review of zoning board decision denying application for a permit to operate a dog grooming business in her garage.

The Appellate Court held that dog grooming business was not a permitted “home occupation” within meaning of regulation.

Even if applicant groomed only three dogs per day, the line between permitted and prohibited uses under regulation was not intended to be drawn only with respect to potential traffic congestion, and zoning board could determine that the dog grooming business was more similar to prohibited uses such as barber shops and beauty parlors than to permitted uses such as a lawyer’s office or photographer’s studio.

Generally, it is the function of a zoning board or commission to decide within prescribed limits and consistent with the exercise of its legal discretion, whether a particular section of the zoning regulations applies to a given situation and the manner in which it does apply. In applying the law to the facts of a particular case, a zoning board is endowed with a liberal discretion, and its decision will not be disturbed unless it is found to be unreasonable, arbitrary or illegal.