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Week of July 8

Welcome to CT Law of the Land. Developments in the law which can impact the state and municipal agency approval process for land use applications in Connecticut happen on almost a daily basis. These can range from important court decisions, to legislative changes, all of which can dramatically impact the approval and review process. On this page we will try to highlight some of those changes that might be of interest to our clients and prospective clients. We invite you to check back regularly to receive potentially important tips.

- AC35796 - Michos v. Planning & Zoning Commission

This decision held that the Town of Easton P&Z Commission violated its own regulations when it approved a house of worship with 80% of the parking in front of the building when its own regulations required the parking to be located to the rear of the structure. The Commission argued that “front yard” was not defined in its regulations and that it had historically interpreted the phrase “front yard” to be equivalent to the 50 foot front yard set-back in its regulations for other religious facilities in an effort to be flexible and not violate RLUIPA, 42 USC 2000cc et. seg. The Court said the regulation was plain and unambiguous. “Front yard” is a commonly understood term and is not the same as a front yard setback. The Commission violated its own plain regulation when it approved a special use permit for the facility.

The facts and holdings of any case may be redacted, paraphrased or condensed for ease of reading. No summary can be an exact rendering of any decision, however, so interested readers are referred to the full decisions. The docket number of each case is a hyperlink to the Connecticut Judicial Department online slip opinion. ©2014 Pullman & Comley, LLC. All Rights Reserved.

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