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## **APPLICANT INFORMATION**

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# **BRIDGEWATER ZONING BOARD OF APPEALS**

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**Town of Bridgewater**





This packet contains information about the Zoning Board of Appeals. It also describes the process of applying for a variance and the materials needed to submit

## **A. ZONING BOARD OF APPEALS POWERS & DUTIES**

### **Variances**

The Zoning Board of Appeals (the “Board”) has the power and duty to determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in 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 be permitted by variance in districts in which such uses are not otherwise allowed.

In general, any application that makes the parcel more nonconforming should be rejected until all alternatives are examined to remedy the nonconformity. Only after this analysis, which could include a site visit, should a variance be considered.

### **Special Exceptions & Special Exemptions**

The Board has the power and duty to hear and decide all matters, including Special Exceptions and Special Exemptions, under Connecticut General Statutes §8-2g, the Special Exemption from density limits for construction of affordable housing, which the Board is required to decide by the specific terms of the zoning bylaw, ordinance or regulation.

To bring an appeal that fits the above definition before the Board, the applicant shall file an application according to the same process as described for a variance.

### **Complaints**

The Zoning Board of Appeals has the power and duty to hear and decide appeals in which it is alleged that there is error in any order, requirement, or decision made by the town official charged with enforcement of Chapter 124 of the Connecticut General Statutes or any bylaw, ordinance, or regulations adopted under provisions of that chapter, including Zoning Regulations, and any order, requirement, or decision made by the official.

To bring an appeal that fits the above definition before the Board, the complainant must follow instructions in Section C.

**B. PROCEDURES – VARIANCE, SPECIAL EXCEPTION, OR SPECIAL EXEMPTION**

**Application**

1. The applicant shall file an application for a Variance, Special Exception or Special Exemption on forms provided through the Land Use Office.
  - a. All pertinent information must be submitted, and all fees must be paid before the application is considered complete.
  - b. Applications must be submitted to Land Use Office staff by the third (3<sup>rd</sup>) Monday prior to the regularly scheduled monthly meeting to be considered by the Board for that month's public hearing/meeting.
  - c. Notification to persons who own land within one hundred feet (100') of all property lines of the property that is subject to the public hearing must be mailed seven (7) days in advance of the public hearing. A copy of the Legal Notice issued by the ZBA shall be used. An application is not considered complete until proof of mailing is received by the ZBA.
  - d. A certified A-2 survey must accompany the application showing the new structure unless a signed waiver is available from the Board. (Additional copies of the A-2 survey may be required.)
  - e. The Board reserves the right to make recommendations to the applicant regarding possible solutions or approaches that do not require a variance. A site visit may be required for the Board to make these recommendations.
2. Notes:
  - a. No rehearing of an application may be held unless six (6) months have passed, and new and pertinent facts are presented.
  - b. Every application for variance, special exception and special exemption shall be immediately transmitted to the Planning & Zoning Commission, and on or before the public hearing held by the Board on such application for variance, the Planning & Zoning Commission may make a report of their recommendation.

**Announcement of Public Hearing**

The Board shall hold a public hearing within sixty-five (65) days after receipt of the petition, application, request, or appeal.

1. The Board shall publish the time and place of all public hearings.
2. The Board shall notify the clerk of any adjoining town of the pendency of any application that abuts their town.

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**Public Hearing**

1. The applicant or his/her representative must be present at the hearing, or the hearing will be continued to the next meeting.
2. There must be a quorum of Board members, or the hearing will be continued to the next meeting.
3. The Board shall electronically record the public hearing/meeting or call in a competent stenographer to take the evidence.
4. The applicant or his/her representative will present the application to the Board. Regular members of the Board may question all aspects of the application.
5. The applicant may introduce any exhibits he/she feels will be helpful to the Board, including, but not limited to photographs, site plans, letters from neighboring property owners, traffic studies or models. After the applicant has made his/her presentation, all such exhibits will be held by the Secretary until the appeal time lapses.
6. Any person or persons may appear and be heard and may be represented by an agent or by an attorney. All members of the public who are in favor of the application may then speak followed by any correspondence in favor. All members of the public who oppose the application may then speak followed by any correspondence in opposition. No member of the public may be refused time to speak as long as the content is in the interest of the public and the hearing is not derogatory toward any member or applicant.
7. Applicant may respond to any opposition.
8. An applicant may request a postponement of a scheduled public hearing if a request is made prior to the date of publication of the first legal notice or may request a continuance of a public hearing after it has been opened.
9. In order to prevent long hearings, the Chairperson may set reasonable time limits for any public statement and limit the speaking to new information.
10. No meeting may continue past 11:00 p.m. on any meeting night.
11. At the end of discussion, the Chairperson will close the public hearing. Once the public hearing is closed, there can be no more new information presented or discussion from the public.
12. The public hearing shall be completed within thirty-five (35) days after such hearing commences.

**Decision of the Board**

1. The Board will vote on applications after the closure of the public hearing at the next scheduled meeting.
2. The vote will be filed with the Town Clerk within forty-eight (48) hours after the meeting.
3. A Certificate of Decision will be sent by certified mail to the applicant within fifteen (15) days after the vote.
4. The applicant is also required to record his Certificate of Decision in the Land Use Office.

5. Notice of the decision of the Board shall be published in a local newspaper.
6. A variance or decision of the Board will not become effective until fifteen (15) days after the decision has been published in a newspaper.

### **C. PROCEDURES – COMPLAINT**

The complainant shall write a letter addressed to the ZBA:

1. Include the complainant's full name, phone number, email address, and signature.
2. Describe the action or decision made by the town official, including reference to the specific bylaw, ordinance, or regulation in question.
3. Include any documentation relevant to the error as attachments to the letter that will aid in the Board's understanding of the error.
4. Specify the desired remedy.

At the next regularly scheduled meeting not less than one (1) week after receipt of the letter and any relevant documentation, the Board will vote to either accept or reject the appeal based on its merits. The applicant and concerned officials will receive a written reply of the Board's decision within fifteen (15) days of the vote.

A public hearing **may** be opened on accepted applications, at the discretion of the Chairperson, the duration of which shall not be determined in advance, but shall remain open until the Board, in a majority vote, chooses to close the hearing.

During the hearing, all concerned parties may ask to speak before the Board. The Board reserves the right to ask concerned parties to speak before the Board. All members of the public may request to speak before the Board. In order to prevent long hearings, the Chairperson may set reasonable time limits for any public statements and limit the speaking to new information.

A vote on the appeal will be held at the next regularly scheduled meeting after the vote to close the hearing.

The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision of the official charged with enforcement of the Zoning Regulations or to decide in favor of the applicant any matter upon which it is required to pass under bylaw, ordinance, rule or regulation or to vary the application of the zoning bylaw, ordinance, rule or regulation.

The Chairperson, after discussion with the seated members, may choose to move to executive session for discussion of the application before a motion for decision on the application.

A Certificate of Decision shall be sent by certified mail to the applicant and the official(s) concerned within fifteen (15) days after the vote.

The decisions of the Board shall be final.