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# **APPLICATION**

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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 an application. For further information, please contact the Land Use Office.

Please read all instructions carefully before you complete the application.

Only complete applications will be accepted for hearing by the ZBA.

**Contact Information**

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**THE BRIDGEWATER ZONING BOARD OF APPEALS**

Under Connecticut General Statutes §8-6. Powers and duties of board of appeals, “the Zoning Board of Appeals shall have the following powers and duties:

1. 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 or any bylaw, ordinance or regulation adopted under the provisions of this chapter;
2. To hear and decide all matters including special exceptions and special exemptions under §8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and
3. To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and 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 bylaws, ordinances or 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 not be permitted by variance in districts in which such uses are not otherwise allowed. No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the board or by a court on an earlier such application.”

The power to grant a variance allows the Zoning Board of Appeals to permit something to be done which violates the zoning regulations. A Variance provides relief from the literal requirements of the zoning regulations for individual parcels of land. The standard employed by the Zoning Board of Appeals for granting variances is that of “**unusual hardship**.” To constitute “unusual hardship” the hardship must be unique. The hardship must be different in kind from those generally affecting properties in the same zoning district. Economic hardship such as financial loss is not a proper basis for granting a variance. Self-created hardship is not sufficient grounds for granting a variance.

It is the responsibility of the applicant to complete all submission requirements to the Zoning Board of Appeals as outlined throughout this packet.

- The ZBA normally meets the fourth (4<sup>th</sup>) Tuesday of every month at 7:00 p.m. (Consult the ZBA calendar on the Town website for dates.)
- In order for a Public Hearing on the application to be scheduled, the application in its entirety with all supporting documentation must be submitted by the third (3<sup>rd</sup>) Monday prior to the Public Hearing at which the applicant wishes to present their case. Applications must be submitted in person or by mail to the Land Use Office in Bridgewater Town Hall as well as emailed to [landusebridgewater@gmail.com](mailto:landusebridgewater@gmail.com).
- The ZBA is responsible for ensuring timely legal notice of the Public Hearing.
- It is the responsibility of the applicant to mail notifications to persons who own land within one hundred feet (100’) of all property lines of the land that is subject to the Public Hearing. A copy of the Legal Notice issued by the ZBA shall be used. These notices must be mailed seven (7) days in advance of the Public Hearing and proof of notice is required by the ZBA. An application is not considered complete for the purposes of the Public Hearing until proof of notice is received by the ZBA.
- The applicant or representative **MUST** be present at the Public Hearing to present the application to the ZBA and answer questions. If the applicant is not the landowner, a letter from the landowner authorizing the representative to submit the application must be submitted to the ZBA.
- In preparing for the Public Hearing, be sure that your application is complete and that you have proof of notice to abutters and that you are prepared to discuss the reasons why a hardship exists. The inclusion of photographs to depict existing conditions is appreciated. All documents presented at the hearing will be taken as evidence in the application file and will not be returned.
- After the Public Hearing, the application will be considered by the ZBA at its regular meeting, normally held immediately following the Public Hearing. At that point, the ZBA may make a decision on the application, or hold the application over for a later decision.
- If a variance is granted, the Town will publish a legal notice and notify the applicant by mail. No zoning permit can be issued until the applicant files the variance on the Land Records.

### **Understanding Variances and Hardship Requirements**

Many applicants are unfamiliar with what a variance is and what it means to the Town when one is granted. A request for a variance, in effect, asks that an exception be made to the Zoning Regulations. Variances to the Zoning Regulations are supposed to be issued only sparingly, and the legal standards

for granting them are strict and complicated. The ZBA authority to grant variances is empowered by the Connecticut General Statutes §8-6 to determine and vary the application of the Bridgewater Zoning Regulations in harmony with the general purpose and intent of the regulations and only with respect to a parcel of land affected by conditions creating “exceptional difficulty or unusual hardship.” Variances of the zoning regulations may only be granted “in harmony with their general purpose and intent and with consideration for conserving 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, literal enforcement of such bylaws, ordinances, or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.” (Connecticut General Statutes §8-6.)

Central to the ZBA decision on whether to grant a variance is the concept of **hardship**. Proof of hardship is the most important factor the ZBA must consider in making a decision. Since a variance constitutes permission to act in a manner that is otherwise prohibited under the Zoning Regulations of the Town, an applicant must show that, because of some peculiar characteristic of the property, the strict application of the Zoning Regulations produces an “exceptional difficulty or unusual hardship.”

- Because a variance is granted for a property and holds for all subsequent owners, hardship is a term that applies to the conditions of the property – not the owner. It is not a matter of personal circumstances.
- The hardship must differ from the general conditions that affect other properties in the same area, and it must arise from circumstances beyond the control of the applicant.
- Financial considerations are not a valid reason for issuing a variance. A demonstration that the proposed action would not be detrimental or, may even be beneficial, to the neighborhood is also not sufficient.
- Since the hardship must arise from the application of the regulations on the land, not on the landowner, a self-created hardship cannot justify a variance.

Applications must specify the details of the proposed modification, the zoning regulations from which a variance is sought, and why a variance should be granted. Some factors to consider:

- Does the applicant have reasonable use of the property without the variance?
- Would adhering to the Zoning Regulations deprive the applicant of substantial rights commonly enjoyed by owners of other lots subject to the same provision? How?
- Can the same results be achieved by a plan that does not require a variance?
- Do extraordinary physical conditions peculiar to and inherent in the subject property amount to more than a mere inconvenience to the owner, and do these conditions arise out of the property rather than the personal situation of the current owner of the lot?
- Will granting a variance result in a use or development of the subject property that would not be in harmony with the general and specific purposes of the applicable Zoning Regulations?

**Note:** These guidelines are intended to give only a general overview of variances. They should not be viewed as comprehensive. The Zoning Board of Appeals does not give legal advice. Applicants should consult the Bridgewater Zoning Regulations and the Connecticut General Statutes for exact legal requirements.

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**BE SURE EACH OF THE FOLLOWING IS IN OR ATTACHED TO THE APPLICATION**  
(It is the applicant's responsibility to ensure the application is complete prior to submission.)  
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**FEE & APPLICATION**

- A check made payable to the "Town of Bridgewater" for \$240.
- Complete application with all supporting documentation.
- Email [landusebridgewater@gmail.com](mailto:landusebridgewater@gmail.com) the complete application with all supporting documentation

**SITE PLAN**

- Ideally this should be certified A-2 survey. (Additional copies of the A-2 survey may be required.) If not an A-2 survey, present a clear drawing that shows ALL present and proposed structures, indicates the number of feet from each side of all buildings to the nearest lot line, and the size of the lot and its location. Show all streets bounding the lot, all easements, rights-of-way, driveways, approved sanitary systems, well and all wetlands, vernal pools and/or watercourses on or adjacent to the property. On a separate sheet of paper, explain where site plan information was obtained (such as reference maps, deeds, assessor's field cards or tax maps).

**SUPPORTING DOCUMENTATION**

- Blueprints, elevation drawings, documents, photographs, etc. as needed to enable the Board to make a decision on the variance. Existing and proposed construction must be clearly identified.

**VARIANCE**

- For a variance, a detailed description of the proposed use.

**APPEALS**

- For an appeal from the decision of the ZEO, a detailed description of the decision with any available documentation.

**ABUTTER INFORMATION**

- List of names and address of all abutting property owners. (Proof of notice is required at or prior to the Public Hearing.)

**HARDSHIP**

- Detailed description of the exact nature of the hardship.

**DEED, FIELD CARD & TAX MAP**

- Copy of Deed, Field Card from Assessor, and Tax Map showing subject and adjacent properties.

**AUTHORIZATION**

- Agent authorization letter if applicant is not the property owner.



**Describe the proposed project:**

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**List specific sections of the Bridgewater Zoning Regulations which require a variance, or if an appeal, the action that is being appealed:**

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**List the reason(s) why the variance or appeal should be granted, stating clearly the exceptional difficulty or hardship:**

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**Owner & Applicant Declaration**

I hereby declare that all information in this application and in the attachments submitted is accurate and complete to the best of my knowledge and belief. I understand that obtaining a variance does not waive the requirements for other permits. If a variance is granted, I will comply with the permit requirements of the Town of Bridgewater's Land Use Departments. If a variance is granted, I will file the approval notice with the Town Clerk.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

It is the responsibility of the applicant to mail notifications to persons who own land within one hundred (100') of all property lines of the land that is subject to the Public Hearing. A copy of the Legal Notice issued by the ZBA shall be used. These notices must be mailed seven (7) days in advance of the Public Hearing and proof of notice is required by the ZBA. An application is not considered complete for the purposes of the Public Hearing until proof of notice is received by the ZBA.

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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