



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Wayne Scott, Zoning Official

DATE: June 25, 2026

TITLE: Staff Report: Application #ZBA-26-8
Single Family Residential
Font Yard Setback Variances

APPLICATION SUMMARY

The subject property, 156 Butlertown Road is located within an RU-120 Rural Residential district and is nonconforming in respect to front yard setback. The minimum front yard setback in the R-U 120 district is 50 feet. The existing front yard setback at the northwest point of the existing nonconforming front entry overhang is 11 feet. The applicant is proposing to demolish the existing residential structure along with the existing detached garage structure and construct a proposed new residential structure in proximity of the existing structure. The front yard setback of the newly proposed structure at the northwest point of the proposed new front entry overhang is 14 feet.

Pertinent Regulations

CGS §8-6

Zoning Regulations

Sec. 6.4 MINIMUM SETBACKS

	Required	Existing	Proposed	Variance requested
Sec. 6.4.1 Front Yard	50'	*11.0'	14.0'	36.0'

*- Pre-existing nonconforming

Permitted Use within the District:

Sec 6.1.1 – One-family dwellings

Sec 27.2 – Zoning Board of Appeals

DISCUSSION

The application presents the following statement of hardship:

“The hardships being claimed are the extent of wetlands located on the property preclude the replacement of the existing single-family residential structure with one that meets the front yard setback requirements in Section 6.4.1 while not increasing the impact to the delineated wetland area. Wetlands make up approximately 62% of the total property. Further hardship is a significant loss in property value in not being able to replace the existing single-family residential structure which is currently in a state of disrepair which threatens the value of surrounding properties and degrades the existing character of the neighborhood/area. The proposal is largely within the same footprint of the existing structure, condenses its footprint and increases the existing front yard setback from 11 feet to 14 feet.

From an environmental and natural resource perspective, the existing cesspool will be formally abandoned and replaced with a code-compliant subsurface sewage disposal system which has already been approved by the Ledge Light Health District on February 9, 2026. A new code-compliant drilled bedrock well will also be installed to service the new structure.

From a public safety perspective, the proposed variance does not create any problems relative to providing police and fire protection to the property or any surrounding properties. The connection to Butlertown Road has also been made much safer with adequate access, egress, turning radii and site lines via a side façade facing garage.

This variance will only improve the existing character of the neighborhood and the value of surrounding properties. There will be no change in use and no adverse impacts.”

To justify the granting of a variance, the Board must first determine whether a legal hardship exists. Per CT State Statutes 8-6 and Section 27.2.3 of the Town of Waterford Regulations, one of the powers and duties of the ZBA is:

27.2.3 To determine and vary the application of provisions of these 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 generally affecting the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

Once the board has determined a legal hardship exists the following criteria for decisions from the Town of Waterford Zoning Regulations Section 27.5 must be applied and included in the board's findings:

27.5 CRITERIA FOR DECISIONS

In addition to other requirements established within these Regulations, the Zoning Board of Appeals, prior to making its decision regarding any application for a variance or any other matter requiring Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, the following factors:

- a. The size and intensity of the proposal under consideration and its potential impact on the surrounding neighborhood including consideration of past ownership patterns involving the property in question and adjacent properties and changes in the Zoning Regulations, which have occurred since the lot in question was created.
- b. The existence of conditions of the same kind and/or character on other properties within the surrounding neighborhood.
- c. The impact the proposed request will have on the capacity of adjacent streets to handle peak traffic loads without causing congestion and without creating any traffic hazards.
- d. The possible obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, or vibration in noxious or offensive quantities which might be caused by the proposal under consideration and the impact such conditions might have on adjacent properties.
- e. The resultant effect the proposal under consideration would have on the value and utilization of other properties within the surrounding neighborhood.
- f. The existence of unusual topography on the property in question and the nature, location and height of all existing and proposed buildings, walls, fences, and landscaping on the site in question.
- g. The extent, nature and arrangement of all existing and proposed parking facilities, driveways and roadways on the site in question.
- h. Any problems which might be created with regard to providing fire and/or police protection to the site in question or to adjacent properties.
- i. The preservation of the character of the neighborhood.
- j. The location of existing water and sewerage systems serving the subject site and the adequacy of such systems to support any additional construction on the property.

- k. All other standards prescribed by these Regulations.