



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Wayne Scott, Zoning Official

DATE: June 23, 2026

TITLE: Staff Report: Application #ZBA-26-9
Single Family Residential
Two (2) Side Yard Setbacks and Lot Coverage Variances

APPLICATION SUMMARY

The subject property, 20 Laurel Street is located within a VR-7.5 Village Residential district and is nonconforming in respect to minimum lot size, building coverage and side yard setback. The minimum lot area requirement in the VR-7.5 district is 7,500 square feet. The existing nonconforming lot size is 3,725 square feet. The maximum building coverage in the district is 20%. The existing building coverage is 27.4%. The applicant is proposing to increase the building coverage to 35.6%. As noted above, the existing structure is also nonconforming to both side yard setbacks. The minimum side yard setback requirement in the VR-7.5 district is 15 feet. The applicant is proposing to square off all four corners of the existing nonconforming structure. The existing west side setback is 2.9 feet. The applicant is proposing a side yard setback of 1.9 feet along the northwest and southwest corners of the existing nonconforming structure. The existing east side setback is 11.0 feet. The applicant is proposing to continue the 11.0 foot east side setbacks along the northeast and southeast corners of the same structure as well.

Pertinent Regulations

CGS §8-6

Zoning Regulations

Sec.6A.6 BUILDING COVERAGE & MINIMUM SETBACKS

	Required	Existing	Proposed	Variance requested
Sec. 6A.6 Building Coverage	20%	*27.4%	35.6%	8.2%
Sec. 6A.6 Side Yard	15'	*2.9'	1.9'	13.1'

*- Pre-existing nonconforming

Permitted Use within the District:

Sec 6A.4.1 – One-family dwellings

Sec 27.2 – Zoning Board of Appeals

DISCUSSION

The application presents the following statement of hardship:

“The subject property is a legally existing lot of record that predates the adoption of the current zoning regulation. The property is located within the VR-75 district and contains approximately 3725 square feet. The lot is currently improved with an existing single-family residence constructed prior to the enactment of the current zoning requirements.

The hardship associated with this application arises from the unique physical characteristics of the property itself. Specifically, the limited dimensions area, and configuration, together with the location of the existing dwelling, create circumstances that prevent the property from reasonably conforming to current zoning requirements. The existing residence was constructed prior to the adoption of the current regulations and occupies a location on the lot that does not conform to present-day setback requirements. As a result, strict application of the zoning regulations significantly limits the ability to make reasonable improvements to the property.

The hardship is not self-created and does not result from any action of the current owner. Rather it is a direct consequence of the property’s pre-existing nonconforming status and the physical constraints inherent to the lot. These conditions are not generally shared by conforming properties within the zoning district.

*We appreciate your consideration of this request and look forward to the meeting.
Thank you.”*

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.