



Office Use Only

Project# ZBA-23-004  
 Address: 15 Tennyson Rd.  
 MBL: 10A/81/64

ZONING BOARD OF APPEALS  
 TOWN OF EAST HAMPTON

RECEIVED  
 APR 14 2023  
 TIME \_\_\_\_\_

## Minimum Requirements for Submission of Application to Zoning Board of Appeals for Variance

*This form must be submitted with your application*

**Please check all that are being submitted:**

- Completed Application Form
- Fee Paid
- Hardship Statement (See Handout)
- A-2 Survey of Property Including Proposed Variance – 4 Full Size Copies
- Certificate of Mailing Receipts (Return to us 5 Days prior to Hearing) - Date Submitted: \_\_\_\_\_
- Copy of Letters Sent to Abutters (Send 10 days prior to Hearing) – Date Submitted: \_\_\_\_\_
- Photo of 10 sq. ft. Sign Posted (Post 15 days prior to Hearing) – Date Submitted: \_\_\_\_\_

*I certify that this application is complete.*

Signature of Applicant: *John Bauer* Date: 4-17-23

The Board reserves the right to add additional requirements in accordance with the State Statutes.

***Only Complete Application Packages Will Be Accepted***



Application for Zoning Board of Appeals Variance

Fee \$300 (State Fee Included)

Cash / Check#: 22106
Date Paid:
Received by:

Application # ZBA-23-004

Property Address 15 Tennyson Rd
Map 10A Block 81 Lot 64 Zone R-1 Acres .09
Applicant James Bansemer Phone 860-885-4578
Address 87 O'Connell Rd Colchester, CT 06415
Email (required) bansemer8@hotmail.com
Property Owner Same Phone 860-885-4578
Address 87 Oconnell Rd, Colchester Ct. 06415
Email (required)

Variance requested: Section 4.1.E of the Zoning Regulations
Variance relates to: Setbacks (Front / Rear or Side) Required: Proposed:
Lot Coverage: Required: 20% Proposed: 39.3%
Height: Required: Proposed:
Description of the Project Install Concrete Driveway
Approx 23'-6" WIDE
Strict application of the regulations would produce undue hardship because (Definition of a hardship on back):
NO Hardship
The hardship created is unique and not shared by all properties alike in the neighborhood because:
NO Hardship

Signature(s): Applicant Jan Bansemer Date 4-17-23
Owner SAME Date



**Town of East Hampton**  
Land Use Department  
1 Community Dr., East Hampton, CT 06424  
(860) 267-7450

**NOTICE OF PUBLIC HEARING**

APPLICANT James Bausemer

PROPERTY LOCATION 15 Tennyson Rd. E. Hampton 06424

MAP \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

THE EAST HAMPTON ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON \_\_\_\_\_ AT 7:00 P.M. IN THE EAST HAMPTON TOWN HALL, 1 COMMUNITY DR., EAST HAMPTON, CT TO CONSIDER THE FOLLOWING APPLICATION:

VARIANCE REQUESTED Install concrete Driveway

PURPOSE OF VARIANCE To improve property and neighborhood

If you are unable to attend the meeting but would like to submit written comment, please do so prior to the Public Hearing. Comments can be submitted to the Planning and Zoning Department.

APPLICATION AND MAPS ARE ON FILE IN THE TOWN PLANNER'S OFFICE.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE PLANNER  
AT 860-267-7450

*“The Board (ZBA) shall consider the character and use of adjacent land and buildings, the number of people residing or working in the vicinity and traffic conditions on neighboring streets, and no variance shall be granted that is injurious or detrimental to the neighborhood or the general safety and welfare.”*

## WHAT IS A VARIANCE?

A Variance is authority extended to the owner to use his property in a manner forbidden by the zoning regulations. A Variance does not create a change of zone for a particular parcel, but authorizes the landowner to use his property in a manner prohibited by regulations.

### PLEASE NOTE:

**ALL APPLICATIONS TO THE ZONING BOARD OF APPEALS MUST STATE A HARDSHIP IN ORDER TO BE CONSIDERED FOR A VARIANCE.**

## WHAT IS A HARDSHIP?

A hardship is a peculiar or unique feature of a particular piece of property that **PREVENTS** the landowner from making a **reasonable use** of the property in conformance with the existing zoning regulations. A hardship has nothing to do with the personal circumstances of the landowner. The fact that the owner might be able to make a more profitable use of the land, if it were not for the zoning regulations, does **NOT** equate to hardship. **Proof of a true hardship is a legal requirement for a zoning board of appeals to issue a variance.**

### State of Connecticut General Statutes Section 8-6

- Financial considerations are NOT a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. **The fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient.**
- **Self-created hardship is not sufficient grounds for granting a variance;** i.e., the landowner must not have taken any action that caused the hardship to occur. In some cases, the simple fact that a landowner purchased his or her property with knowledge of the zoning restrictions may prevent a valid claim of hardship. When a condition which results in the hardship is due to one's own voluntary act, **the zoning board is without the power to grant a variance.**
- The hardship must arise from the operation of the regulations on the land, not **on the landowner**, and the land must be 'peculiarly disadvantaged' by the regulation for which the variance is sought.
- **Disappointment in the use of property** does not constitute exceptional difficulty or unusual hardship and a variance should not be granted unless it is in harmony with the general purpose and intent of the zoning ordinance.
- A hardship resulting from the peculiar topography or condition of the land, or a peculiar location **which makes the property unsuitable for the use permitted in the zone in which it lies**, may well be such a hardship as is contemplated by the ordinance.

# 15 Tennyson - Proposed Concrete Driveway



Proposed Concrete Drive  
Approximately 800 sq. ft.



OCT 15 2002 9:54AM

KVM REAL ESTATE 0602911866

NO. 757 P. 2

12/

3892

DECLARATION OF RESTRICTION AND COVENANT

THIS DECLARATION OF RESTRICTION AND COVENANT is made this 22 day of October, 2002 by James Bansemer, Declarant.

Whereas, Declarant owns real property located at the intersection of Whittier Road and Tennyson Road in East Hampton, Connecticut shown and designated as Assessor Lot No. 64 on Tax Map 10-A, Block 81, and also owns real property known as 28 Tennyson Road, shown and designated as Assessor Lot No. 71 on said Tax Map and Block; and

Whereas, Declarant desires to construct a garage on Lot 64, but only will be permitted to do so pursuant to the terms and conditions of a variance granted by the East Hampton Zoning Board of Appeals dated July 9, 2002;

NOW, THEREFORE, it is hereby declared as follows:

- 1. Lot 64 may only be sold and conveyed together with the sale or conveyance of Lot 71 to the same grantee and shall not be sold or conveyed separately.
2. In the alternative, Lot 64 may be conveyed to the owner or owners of Assessor Lot Nos. 48, 50, 60 or 72, subject to the restriction and covenant that Lot 64 will thereafter have to be combined, conveyed with or transferred together with any of said lots by the then owner of such lot.

Witnesses:

Signatures of witnesses: Dennis C. Bartlett, Patricia A. Taylor

Signature of James Bansemer

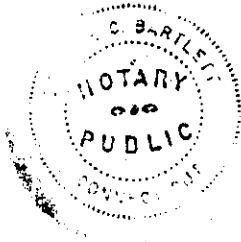
STATE OF CONNECTICUT )
COUNTY OF Middlesex ) ss: East Hampton October 22, 2002

Personally appeared James Bansemer, signer of the foregoing instrument and acknowledged the signing of same to be his free act and deed before me, the undersigned officer.

Signature of Notary Public

Notary Public
My Commission Expires:
My Commission Expires 1/31/2004

0enn7739 bansemer



RECEIVED FOR RECORD AT E. HAMPTON, CT
ON 10/24/02 AT 8:45A.M.
Attest: PAULINE L. MARKHAM Town Clerk

Signature of Pauline L. Markham