

Zoning Variance

(A request for permission to vary from the Zoning Regulations)

APPLICATION GUIDE

CRITERIA FOR APPROVAL:

Unusual Hardship

An application for a **variance** is a request for permission to vary from the Zoning Regulations. Applications are heard by the Zoning Board of Appeals (ZBA) and include a public hearing.

Approval of a variance requires an applicant to show an “**unusual hardship**,” which is generally defined as a peculiar or unique condition of the subject property that is not generally found on other lots in the same zoning district or the surrounding neighborhood, and which would make development in accord with the Zoning Regulations extremely and unusually difficult or prevents a landowner from making a reasonable use of their property in conformance with the Zoning Regulations as written.

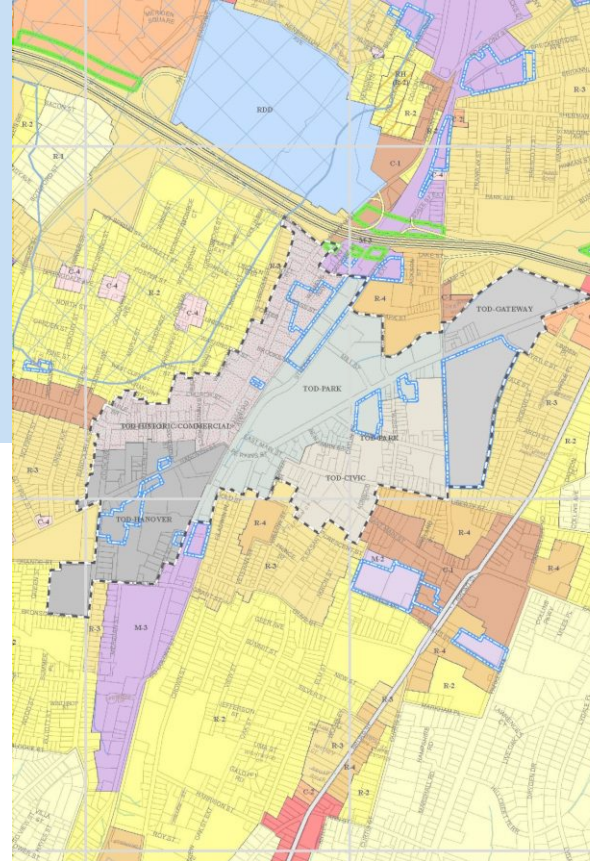
The “**hardship**” must be unique and different in kind from those generally affecting properties in the same zoning district.

In accordance with State law, granting of a variance:

- MUST be in harmony with the general purpose and intent of the Zoning Regulations.
- MUST consider the public health, safety, convenience, welfare and property values.
- MUST be given only for parcels with unusual conditions of “exceptional difficulty or unusual hardship.”

Granting of a variance should be limited to extraordinary situations on parcels with conditions of “exceptional difficulty or unusual hardship.”

These criteria are in accordance with Connecticut General Statute 8-124 §8-6



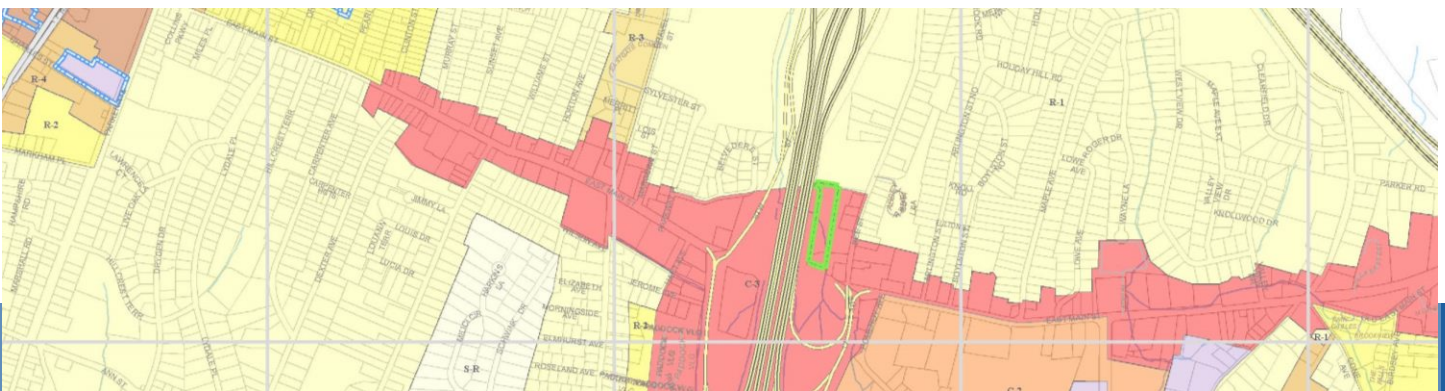
What is NOT a hardship?

- Personal preferences, emotions, health conditions, and needs related to circumstances of the applicant and their family
- Conditions that are self-created or a result of an action taken by a present or past owner
- Financial considerations such as economic benefit or loss to the property owner
- Potential for financial advantage or loss of competitive advantage for the property owner
- The fact that the owner might be able to make more profitable use of their land if not for the Zoning Regulations
- Impact on tax revenues for the Town

Zoning Board of Appeals

Criteria and facts the ZBA will consider when deciding whether to issue a variance:

- Does the applicant have reasonable use of the property without the variance – is the property unusable or unbuildable without the granting of a variance?
- Do extraordinary physical conditions peculiar to and inherent in the specific subject property amount to more than a mere inconvenience to the owner, and do those conditions arise out of the lot rather than the personal situation of the current owner of the lot?
- Is the alleged hardship self-created or the result of, or caused by, action of the owner (present or past)?
- Will adherence to the Zoning Regulations deprive the applicant of substantial rights commonly enjoyed by owners of other lots subject to the same provision?
- 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, zoning district or surrounding neighborhood?
- Will granting a variance alter the essential character of the neighborhood?
- Will the results of the variance be in harmony with the Zoning Regulations' "general purpose and intent and with due consideration of 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?"



Staff Contact:

Rick Schultz, Associate City Planner/ZEO
rschultz@meridenct.gov
(203)630-4083

