



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.