



TOWN OF VERNON

Planning and Zoning Department
55 West Main Street
Vernon, CT 06066

ZONING VARIANCE HARDSHIP CRITERIA



Regulations as written.

To obtain a variance, the applicant must demonstrate a “hardship” which would justify varying Vernon’s Zoning regulations.

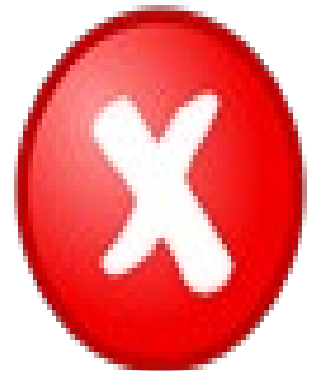
A “hardship”, is usually defined as a *peculiar or unique condition of the property that is not generally found on other lots in the same Zoning District or the surrounding neighborhood, and would make development in accordance with Zoning Regulations extremely and unusually difficult; preventing a landowner from making reasonable use of their property in conformance with the Zoning*

HARDSHIP – DEFINED

- “Hardship” must be unique and different in kind from those generally affecting properties in the same zoning district.
- ***Hardships may not be personal, financial, self-created, anything that would increase non-conformity and not in comparison to neighboring property.***
- Economic hardship, such as financial loss, is **NOT** a proper basis for granting a variance.
- The granting of variances should be limited to situations where if the application of Zoning Regulations were applied, they would greatly decrease or practically destroy property value.
- Variances should only be granted where the general purpose of the zoning plan will not be undermined.
- The granting of variances should be based on the condition of the land **NOT** the owner.
- ***A reminder that a granted variance remains permanently on the land records even when the property transfers ownership.***

WHAT IS NOT A HARDSHIP

- Personal preferences, emotions, health conditions and needs related to the circumstances of an applicant and their family.
- Conditions that are:
 - Self-created or are the result of an action taken by a present or past owner.
 - Financial in nature
 - due to economic benefit or loss to the property owner.
 - Absent a situation amounting to confiscation, financial loss or the potential for financial advantage is **NOT** the proper basis for a variance, nor is the loss of competitive advantage.
- The fact an owner might be able to make more profitable use of their land if it were not for the Zoning Regulations, does not equate to hardship; nor does a claim of increased tax revenues for the Town.
- Claiming that a variance is “de-minimis” is not a basis for a hardship.



GRANTING OF A VARIANCES SHOULD BE LIMITED TO EXTRAORDINARY SITUATIONS



- **MUST** be in harmony with the general purpose and intent of the zoning regulations.
- **MUST** consider the public health, safety, convenience and welfare.
- **MUST** be given only for parcels with unusual conditions of “*exceptional difficulty or unusual hardship.*”
- **NOT** allowed if Regulations provide that certain prohibited uses are not permitted by Variance.

CRITERIA THE ZBA MUST CONSIDER WHEN DECIDING WHETHER TO ISSUE A VARIANCE



The concurring vote of four board members is required to grant any variance.

No variance, special permit or special exception granted shall be effective until a copy thereof, certified by a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals... is recorded in the land records of the town in which such premises are located.

17.2.2.1

The applicant for a variance from the provisions of this ordinance shall show to the satisfaction of the Zoning Board of Appeals that such relief will not be contrary to the public interest and that, owing to a special or peculiar condition, enforcement of the provisions of this ordinance would result in unnecessary hardship to the applicant.

17.2.2.2

The unnecessary hardship, which an applicant seeks to avoid, shall not have been imposed by any prior action of the applicant. Such hardship shall arise only from special or peculiar site conditions or features of the land or structures in question rather than from physical infirmities of the applicant or merely from the desire to realize greater financial gain.

17.2.2.3

No non-conforming use of neighboring lands, structures or buildings in adjacent districts shall be considered grounds for the issuance of a variance.

17.2.2.4

In granting relief from the provisions of this ordinance, the Zoning Board of Appeals shall grant the least variance from the provisions needed to remove the unnecessary hardship and may impose any condition or safeguard as may be deemed in the public interest.

17.2.2.5

A variance shall become null and void twelve (12) months after said variance is granted by the Zoning Board of Appeals unless the construction or changes authorized have been diligently prosecuted and substantial progress made.

17.2.2.6

The Zoning Board of Appeals is empowered to grant the variance subject to such reasonable conditions, restrictions and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, and general welfare of the community.