

The **use variance** has been defined as:

"Use variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

CHAPTER 165-10, TOWN OF FARMINGTON CODES: **Definitions:** A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that:

1. Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood;
4. That the alleged hardship has not been self-created.

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The **area variance** has been defined as:

shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.

CHAPTER 165-10 TOWN OF FARMINGTON CODES: Definitions:

A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

The board of appeals must consider two basic things:

The benefit to the applicant if the variance is granted, and the detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted.

The board of appeals must consider the following factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.