

## Area Variances

**What it is:** An application for relief from a dimensional requirement of the zoning district/regulations

**Examples:** Application for a reduced yard setback  
Application for a reduced lot size  
Application for a larger size sign

An application must have been denied by the zoning enforcement officer before a variance may be heard by the zoning board of appeals.

### **STATE ESTABLISHED PROCEDURE FOR REVIEWING AREA VARIANCE REQUESTS:**

To receive an area variance, the ZBA weighs the difference between the BENEFIT TO THE APPLICANT VS. THE DETRIMENT TO THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD OR COMMUNITY if the variance is provided.

To assist in making this determination, the ZBA shall consider the following:

- 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 the 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: and
- 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.

### **GRANTING OF A VARIANCE**

The ZBA shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### **CONDITIONING THE VARIANCE:**

Reasonable conditions and restrictions may be applied by the ZBA to the area variance, as long as the conditions and restrictions are directly related to and incidental to the proposed use of the property. The conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.



Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby property owners, if the area variance is granted? (please provide evidence or reasons in support of your answer).

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Can the building or structure be constructed on the lot without an area variance by changing the location or size of the building or structure? If not, why not?

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Describe impacts (if any) to neighboring properties if the variance is granted.

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Was the alleged hardship self-created? (is the variance needed because of actions taken previously by the applicant?)

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Attach a plot plan **drawn to scale**. Graph paper is acceptable. It should show the dimensions of the lot and exact location of proposed and existing buildings, structures, driveways, wells and septic system. Include all front, rear, and side setbacks and any other information that is pertinent to the variance. . If possible, also indicate where buildings on adjoining lots are located Show dimensions in feet directly on plan.

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Date: \_\_\_\_\_

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Signature of landowner

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant if different than landowner

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