

Zoning Board of Appeals

What is a Hardship?

A hardship is...

- **Land-Based**

Topography of the property (steep slopes), the presence of wetlands, or lot width may constitute a hardship, because they have to do with the physical features of the land. A Variance may be granted in “the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved” [Newtown Zoning Regulations 12.01.220].

- **Unique**

“Conditions especially affecting such parcel but not affecting generally the district in which it is situated” [C. G. S. § 8-6(a)] may constitute a hardship. A case in “which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the district” [Newtown Zoning Regulations 12.01.221] may constitute a hardship.

- **Evidenced**

A current, original A-2 survey must show the location of the hardship on the property, and the proposed structures requiring the Variance.

A hardship is not...

- **Personal**

A hardship “shall not be personal in nature to the person who applied for and received the variance” [C. G. S. § 8-6(b)] and “the hardship caused by the application of zoning regulations [must relate] to the property for which the variance is sought and not to the personal hardship of the owners.” [Garibaldi v. Zoning Board of Appeals, 163 Conn. 235, 238, 303 A.2d 743 (1972)].

- **Financial**

“Considerations of financial disadvantage—or, rather, the denial of a financial advantage—do not constitute hardship, unless the zoning restriction greatly decreases or practically destroys [the property's] value for any of the uses to which it could reasonably be put” [Rural Water Co. v. Zoning Board of Appeals, supra, 287 Conn. at 295].

- **Self-created**

“It is also well established that self-inflicted hardship which arises because of individual actions by the applicant will not provide a zoning board of appeals with sufficient reason to grant a variance” [Verillo v. Zoning Board of Appeals of Branford, 2014].

- **Anything that increases an existing non-conformity**

“The accepted policy of zoning [...] is to prevent the extension of nonconforming uses” [Town of Guilford v. Horton H. Landon, 1959].

- **A comparison with neighbors**

If you have documented protected class status under the Americans with Disabilities Act (ADA), please visit <https://www.ada.gov/> for more information.