

## Explanation of Exceptional Difficulty of Unusual Hardship

**In accordance with Connecticut General Statute Section 8-6 and the Granby Zoning Regulations Section 10.3, the Granby Zoning Board of Appeals has the power to:**

“determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulation would result in **exceptional difficulty or unusual hardship**, so that substantial justice will be done and the public safety and welfare are secured.”

It should be understood that **exceptional difficulty or unusual hardship** must be established in order for a variance to be granted and that the applicant has the burden of proving the difficulty or hardship. In fact, the ZBA is required under Connecticut General Statutes Section 8-7 to describe specifically the **exceptional difficulty or unusual hardship** on which the variance is based.

Please note that financial loss or gain has been repeatedly dismissed as a basis for a claim of hardship. Nor will the inability to use the property at its maximum potential or for a higher and better use, meet the test for a variance. Also, extensively remodeling a structure without realizing the work was illegal under the Zoning Regulations is nothing more than a financial hardship and typically not satisfactory for a variance.

The hardship that will support a variance cannot result from the owners' personal situation or actions and the hardship can't be self-created but must arise from the Zoning Regulations. For example, ill health, which prevents an owner from caring for a large property unless it is divided into smaller lots that the minimum area in the zone may be a hardship, but it is one that is personal to the owner and does not result from the application of the Zoning Regulations to the land.

A common situation involving self infliction or personal hardship is where an owner proceeds with construction work ignoring Zoning Regulations such as set back requirements. In this case, since the requirement existed prior to the owners' contrary conduct, the hardship is self-inflicted and therefore invalid.

Where the claimed hardship arises from the applicants' voluntary act, the ZBA lacks the power to grant a variance.

A valid hardship or exceptional difficulty will typically be unique to the particular property. A situation where wetlands or steep slopes limit the placement of a home on an existing lot in strict conformity with the regulations is typically a valid hardship.

In conclusion, all applications must identify the **exceptional difficulty or unusual hardship** in the application form. Without a valid hardship the ZBA lacks the power to grant the request.