

## Zoning Board

**The Zoning Board is empowered to review and deliberate on appeals resulting from a determination made by an administrative official concerning the following:**

**Interpretation:** The Zoning Board has the authority to decide any question involving the interpretation of any provision of the Town of Watson Zoning Code.

**Area variances:** The Zoning Board has the authority to grant or deny area variances from the area or dimensional requirements outlined in the Town Zoning Code. In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board also considers:

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; 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.

The Board, in the granting of area variances, will grant the minimum variance that it deems necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**Use variances:** The Zoning Board has the authority to grant or deny use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the Zoning Code. Applicants must show that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant must demonstrate:

1. Under applicable zoning regulations, the applicant is deprived of all reasonable economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. 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. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. The alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of use variances, will grant the minimum variance that it deems necessary and adequate to address the request.