

Town of Bethany -- Subdivision Regulations

Section 9 Variance or Waiver of Regulations

9.1 Pursuant to Section 826 of the Connecticut General Statutes, the Commission may waive the requirements under these regulations in accordance with the following standards:

- a. Where conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these regulations would cause an unnecessary and undue hardship; or
- b. In the case of the requirements of Section 11.4 for an open space "set aside", if the Commission determines that the purposes of Section 11.4 would not be served by an open space "set aside".
- c. Where requirements of Section 11.5 for water supply sources for fire fighting would cause an unnecessary and undue hardship, or if the Bethany Volunteer Fire Department determines that the protection of public health and safety would not be served by the requirement for water supply sources for fire fighting, or if the subdivision or resubdivision is for five or fewer lots.

9.2 No variance or waiver shall be granted which would have a significant adverse effect on adjacent property or on the public health and safety or which would violate the zoning regulations.

9.3 No variance or waiver shall be granted which would interfere with the orderly development of contiguous property, cause a traffic hazard, cause an impairment of land values, or violate the Plan of Development.

9.4 No variance or waiver shall be granted except by three-quarters vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon its records the reasons why a waiver is granted in each case.

9.5 In granting any variance or waiver of these regulations in accordance with the terms of these sections, the Planning and Zoning Commission shall attach such conditions and safeguards necessary to protect health, safety, welfare and property values and such other conditions as will meet the other legislative standards and purposes of Section 8-25 of the Connecticut General Statutes.

9.6 Any application for a variance or waiver of these regulations shall be made, when applicable, at the same time as any application for subdivision or resubdivision is made. The applicant shall set forth, in writing, the reasons for the request and specific regulation sought to be varied or waived.