

**Standards Used by the Southold Town Zoning Board of Appeals to Review  
Area Variance Applications**  
In Accordance with TOWN LAW 267-B, 3\*

“Area Variance” shall mean the authorization by the Zoning Board of Appeals for the use of land in the manner, which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

In making such determination the Board shall also consider:

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;
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 an area variance.

(c) The Board of Appeals, in the granting of such area variances, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and health, safety and welfare of the community.

Imposition of conditions. The Board of Appeals shall, in granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to an incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

\* Effective July 1, 1992, the change eliminated the previous required showing of “practical difficulties” and “unnecessary hardship”.