

VARIANCES

A variance is permission granted by the ZBA to break the zoning law (zoning ordinance). It is permission that is not intended to be easy to achieve. Variances granted without proper justification may lead to an ordinance that becomes unenforceable. Additionally, the public's confidence in the ordinance as a viable growth management tool may be significantly diminished.

The Board should not approve an application for a variance unless it has found positively:

1. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.

Is the current requirement unreasonably restrictive? Does it prevent you from using your property as zoned?

2. The conditions and circumstances are unique to the property, and are not similarly applicable to other properties in the same zoning district.

Does the property possess unique characteristics (not common to the general area)? Such as an odd shape, small size, or presence of natural features (topography, wetlands, soils, etc.)?

3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property

Did your own action or that of the previous owner create the practical difficulty, or is it necessary because of governmental action (such as a road widening)?

4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

If the variance is granted, would the ZBA be "granting" you a privilege not made available to others? Is a variance of less size more appropriate? Have reasonable alternatives been considered as a means of avoiding a variance? A personal hardship suffered by applicant and unrelated to the property is not sufficient to support a variance.

5. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

Will this grant substantial justice to both the applicant, neighbor, and township?