



## Zoning Board of Appeals Applicant Information

Revised May 2006

A variance is permission to deviate from the requirements of the zoning ordinance. It is the responsibility of the applicant to convince the Zoning Board of Appeals to grant a variance by providing drawings, letters from neighbors, and pertinent information. All of the findings of fact listed below should be found in the applicant's favor in order for the ZBA to grant a variance.

### Findings of Fact:

1. Is the applicant receiving a privilege not available to other property owners?
2. Is the property unique in size, shape, and elevations?
3. Is the problem self-generated or are there other alternatives?
4. Are the regulations unreasonably restrictive? Would conformity with the code(s) be unreasonably burdensome?

#### Use Variance Standards:

- a) That the property could not be used for the purposes permitted in the zone district;
- b) That the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions;
- c) That the use would not alter the essential character of the area;
- d) That the problem is not self-generated.

#### Non-use Variance Standards:

- 1} Whether strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted use, or that conformity with the ordinance would be unreasonably burdensome;
- 2} Whether the granting of a variance would do substantial justice to the applicant, as well as to other property owners in the township, or whether a lesser relaxation of the restrictions would be more consistent with justice to other property owners;
- 3} Whether the plight of the applicant is due to unique circumstance of the property and not to the general neighborhood conditions of the area;
- 4} That the problem is not self-created.

#### Applying the Standards:

It is the applicant's responsibility to demonstrate compliance with each of the standards listed in the ordinance. The ZBA is charged with judging whether or not the information provided by applicant, as well as other data (field investigations, staff reports, public comment, etc...) :

- Is applicable and factual to the case under consideration;
- Confirms that a practical difficulty or unnecessary hardship exists; and
- Demonstrates that the type and/or extent of the requested variance is necessary, or whether a lesser variance would suffice.