

<b>Zoning Board of Appeals – Variance Checklist</b>	
<b>New Variance Requests</b>	<b>Criteria</b>
<p>The ZBA accepts a maximum of 8 new appeals for a regularly scheduled meeting.</p> <p>Applications are accepted and placed on an agenda in the order they are received.</p> <p>At the time of submittal, an application <u>must</u> be accompanied by the following:</p> <ul style="list-style-type: none"> <li>• A survey or site plan illustrating: <ul style="list-style-type: none"> <li>◦ The location (size, dimensions, and number) of all existing and proposed structures or site alterations;</li> <li>◦ Driveways, approaches and parking spaces and areas;</li> <li>◦ Dimensions of all lots and property lines showing relationship and distances of the subject property to abutting property and structures;</li> <li>◦ The location and dimensions of all rights-of-way abutting public thoroughfares and easements;</li> <li>◦ Preparation date, name and signature; and</li> <li>◦ Date, scale and north arrow.</li> </ul> </li> <li>• A written statement addressing applicable criteria for requested variances (i.e., use variance, nonuse variance, and/or additional criteria for land divisions).</li> </ul> <p>Additional information may be required, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Floor plans;</li> <li>• Façade elevations; and</li> <li>• A written description of the project and the use of the property and activities to be undertaken on the premises.</li> </ul>	<p>The Board shall determine that the variance approval, either as proposed by the applicant or as otherwise determined by the Board based upon the record, is the minimum relief necessary in order to achieve substantial justice.</p> <p><b>Use Variances</b>  Requires 6 affirmative votes for approval. The Board may consider the following as part of its decision:</p> <p>The applicant must present evidence to show that if the Zoning Ordinance is strictly applied, unnecessary hardship to the applicant will result based upon the following:</p> <ol style="list-style-type: none"> <li>1. <i>That the property could not be reasonably used for the purposes permitted in that zone;</i></li> <li>2. <i>That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;</i></li> <li>3. <i>That the use requested by the variance would not alter the essential character of the area;</i></li> <li>4. <i>That the alleged hardship has not been created by any person presently having an interest in the property;</i></li> <li>5. <i>That the use will preserve a substantial property right possessed by other property owners in the same zone.</i></li> </ol> <p><b>Nonuse Variances</b>  Requires 5 affirmative votes for approval. The Board may consider the following as part of its decision:</p> <p>The applicant must present evidence to show that if the Zoning Ordinance is strictly applied, practical difficulties will result to the applicant based upon the following:</p> <ol style="list-style-type: none"> <li>1. <i>That the Ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;</i></li> <li>2. <i>That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;</i></li> <li>3. <i>That the plight of the landowner is due to unique circumstances of the property; and</i></li> <li>4. <i>That the alleged hardship has not been created by any person presently having an interest in the property.</i></li> </ol> <p><b>Additional Criteria for Land Divisions</b>  In addition to the criteria listed above for nonuse variances, the Board shall consider the following for any appeal for a land division:</p> <ol style="list-style-type: none"> <li>1. <i>The width, size, and general character of the lots in the neighborhood and area;</i></li> <li>2. <i>Whether the width and shape of the lot leaves adequate buildable area to allow the construction of a dwelling which is in harmony with the character of the neighborhood and/or area; and</i></li> <li>3. <i>The extent to which other developed lots in the neighborhood and/or area have maintained required yards, lot area and width.</i></li> </ol>
<b>Renewals of Temporary Variances</b>	
<p>Please complete the application form and check “Renewal of Temporary Variances.” The ZBA may revoke your temporary variance if the application form and check are <u>not</u> received.</p> <p>The request will be placed on the next regularly scheduled meeting of the ZBA. The applicant may be required to attend the ZBA’s meeting regarding a temporary variance renewal.</p> <p>A copy of the ZBA’s motion regarding the renewal will be mailed to the petitioner following the meeting.</p> <p>Should you have any questions, please contact the Planning Division at (248) 246-3280.</p>	