

## ZBA VARIANCES DECISION STANDARDS

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall ensure that all variances comply with the following:
  - 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - 2. Will not permit the establishment of a use within a district where it is prohibited.
  - 3. Will not adversely affect property values in the immediate vicinity or in the Township as a whole.
  - 4. Will relate only to the property for which the application has been submitted.
  - 5. Is not a request that occurs regularly that could be addressed through an amendment to this Ordinance.
  
- B. The Board of Appeals **shall not** grant a variance unless at least one (1) of the following is demonstrated:
  - 1. There are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after the effective date of this Ordinance.
  - 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
  - 3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
  - 4. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same district.
  
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board took action on the request unless substantive new evidence is to be presented or new circumstances arise.
  
- D. No use variances may be granted by the Zoning Board of Appeals. (See A.2, above.)