

Request for Variance (Section 255-86.10)

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.

a. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, the property cannot be reasonably developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the appellant;

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare; and

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

b. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this chapter.

c. The following provisions shall also apply for any variance granted for any proposed development located entirely or partially within any floodplain area:

1. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

2. Whenever a variance is granted, the Township shall notify the applicant in writing that:

[a] The granting of the variance may result in increased premium rates for flood insurance.

[b] Such variances may increase the risks to life and property.

3. That the granting of the variance will:

[a] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

[b] Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

d. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Request for Variance

Zoning section at issue: _____

Brief description of nature of request: (state how you wish to vary from the provision of the Code)

Briefly describe the unnecessary hardship caused by the provisions of the Zoning chapter:

Give a brief description or explanation of how the standard for a variance will be met as follows:

a. The nature of the unique physical circumstances or conditions characteristic to the property and not shared by other properties in the area or created by the provisions of the Zoning chapter:

b. There being no reasonable use or development of the property in strict conformity or compliance to the provisions of the Zoning chapter:

c. The unnecessary hardship has not been created by the applicant:

d. The Variance would not alter the essential character of the zone or the neighborhood in which the property is located, nor substantially or permanently hinder the appropriate use or development of the adjacent property, not be detrimental to the public welfare:

e. The Variance would represent the minimum variance that will give relief and will represent the least modification possible of the regulations at issue:

f. If within the Floodplain, will comply with section 255-86.B.10.c of the Zoning chapter:

I hereby certify that all of the above statements and the information contained in any papers or plans submitted herewith are true and factual to the best of my knowledge and belief.

Signature and Printed Name

Date

If other than property owner, written authorization from the owner to sign or proof of equitable ownership, such as a contract for sale or lease, must be attached.