

## Standards for Variance Allowance

In reviewing requests for a variance, the following aspects and questions provide a framework for discussion. Standards must be applied individually to every application and supported by clear factual evidence. Simply repeating the language of the standard is not sufficient evidence.

A practical difficulty or unnecessary hardship is valid if: a) it observes the spirit of the ordinance; b) public safety is secured; c) it ensures substantial justice.

*(from The ABC's of ZBA's: Roles and Functions of the Zoning Board of Appeals)*

STANDARD	MEETS	FAILS TO MEET	COMMENTS, CONCERNS
Exceptional or extraordinary circumstances apply to the <b>property</b> ; how is it different from others in the same district?			
Necessary for the preservation of a substantial property right; will property owner still be able to do same things other owners in similar situations can do but perhaps in a different way?			
Not adversely affect adjacent properties; do no harm			
Not materially impair or compromise the intent and purpose of the Zoning Ordinance			
Not of a general or recurrent nature; will this situation arise more often?			
Property owner didn't take action that necessitated the variance.			

### 16.6.1 Dimensional Variances (Clark Township Ordinance)

a) To obtain a dimensional variance, the applicant must show "practical difficulty" by demonstrating all of the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, building or use involved and would not be of general application to other parcels in the immediate area or the Township in general;
2. That strict application of these regulations would result in exceptional or undue hardship upon the property;
3. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of this Ordinance;
4. That the special conditions and circumstances do not result from the actions of the applicant;
5. That granting the variance will not alter the essential character of the area.

b) The Board of Appeals shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, will not cause undue impact to the surrounding neighborhood, and will not be otherwise detrimental to the public health, safety, and welfare.

c) The Board of Appeals shall further make a finding that the reasons set forth in the application for variance justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.