

## ARTICLE 30

### VARIANCE AND GENERAL PROCEDURE

- 30.0 **Nature of Variance:** Recognizing that on any particular property, extraordinary circumstances may exist which make a strict enforcement of the applicable zoning resolution standards unreasonable, the following variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which will not ordinarily involve a change of the primary use of the district within which the variance is being sought.
- 30.1 **Appeals, Authorization and Approval:** Application for any such variance shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information.
- 30.1.1 The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
  - 30.1.2 An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
  - 30.1.3 A clear and concise statement of the special circumstances or conditions applying to the land or the structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
  - 30.1.4 An explanation of the special circumstances and conditions, which demonstrates and show that these special conditions and circumstances are not the result of the applicant, or the operation of applicant's facilities.
  - 30.1.5 Such other information as the Board of Zoning Appeals may deem necessary from time to time for the proper evaluation and consideration of the application for variance.
- 30.2 **Approval of Variance:** The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
- 30.2.1 That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.
  - 30.2.2 That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.
  - 30.2.3 That the special conditions and circumstances applicable to applicant's

property or facility do not in any fashion result from the actions or operations of the applicant or applicants agents or assigns.

- 30.2.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning resolution to other lands or structures in the same zoning district.
- 30.2.5 That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development; will not be materially detrimental to the public welfare, nor injurious to private property of public improvements in the vicinity nor will the variance unreasonably threaten the environment, ground water, nor the health, safety, welfare, or morals of the residents of Bath Township.
- 30.3 **Fees:** Fees for application for amendment of this resolution, conditional use certificate, or a variance shall be set and fixed by the Township Trustees. Such fees shall be set to cover the cost of processing such application.
- 30.4 **Records:** In the event of any proceedings before either the Zoning Commission or the Board of Zoning Appeals, all stenographic records made shall be the responsibility of the person so requesting a record, and entire cost thereof shall be charged thereto.
- 30.5 **Physical Plans:** Physical plans are to be presented to the Zoning Inspector.