

**VAR 20-5
Thomas Lynch
1826 E. Main Street
Variance to Permit Reduced Frontage On A Street**

Variance From Standards		
Standard	Required	Requested Variance
Section 9.2.12	Minimum lot width measured along a street in a B-1 district is 50 feet	Reduce lot width to 0 feet

FACTS
<ol style="list-style-type: none"> 1. The applicant is proposing a lot split to the parcel located at 1826 E. Main Street that will create a new parcel without frontage along M-21. 2. The separate parcel will have road access via an easement off M-21. 3. There are existing structures on the parcel including a primary structure and storage buildings. 4. The lot split will separate the primary structure and the storage buildings onto separate lots. 5. Minimum lot width required in B-2 zoned district is 50 feet. 6. It is unclear exactly where the proposed split will be located.

STANDARDS FOR APPROVAL OF VARIANCES Under the Township Zoning Ordinance			
In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of them:			
STANDARDS	Does Site Meet Requirements		
	Yes	No	N/A
The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.			
STAFF FINDINGS IN SUPPORT: <i>An adequate easement size would keep the existing access to the 1826 E. Main Street property and allow continued use of the new parcels without hindering the applicant's ability to use the parcel.</i>	STAFF FINDINGS IN OPPOSITION: <i>It is unclear why the parcel split is necessary.</i>		
APPLICANTS COMMENTS IN SUPPORT:			
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:	

STANDARDS	Does Site Meet
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		Requirements		
		Yes	No	N/A
The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others				
STAFF FINDINGS IN SUPPORT: <i>A lesser relaxation of the standard would not provide substantial relief because the location of the parcel split requires a full elimination of the 50-foot frontage rule.</i>	STAFF FINDINGS IN OPPOSITION: <i>There do not appear to be any other property owners in this zoning district who have not direct frontage along a road.</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements		
		Yes	No	N/A
The problem is due to circumstances unique to the property and not to general conditions in the area.				
STAFF FINDINGS IN SUPPORT: <i>N/A</i>	STAFF FINDINGS IN OPPOSITION: <i>It is unclear what the problem is that requires a parcel split.</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements		
		Yes	No	N/A
The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property				
STAFF FINDINGS IN SUPPORT <i>N/A</i>	STAFF FINDINGS IN OPPOSITION: <i>It is unclear what the problem is that requires a parcel split.</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

STANDARDS		Does Site Meet Requirements		
		Yes	No	N/A
Issuance of the variance would still ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.				
STAFF FINDINGS IN SUPPORT: <i>An adequate easement size would keep the existing access to the 1826 E. Main Street property and allow continued use of the new parcels without hindering the applicant's ability to use the parcel.</i>	STAFF FINDINGS IN OPPOSITION: <i>The purpose of requiring commercial parcels to have road access is to ensure adequate access for the volume of traffic these parcels generate. Issuance of this variance would not be in the spirit of the ordinance.</i>			
APPLICANTS COMMENTS IN SUPPORT:				
PUBLIC/PC COMMENT IN SUPPORT:		PUBLIC/PC COMMENT IN OPPOSITION:		

Sample motion to approve:

I make a motion to approve the requested variance based on the following findings of fact:

It complies with Standard 1 based on the fact that an adequate easement size would keep the existing access to the 1826 E. Main Street property and allow continued use of the new parcels without hindering the applicant's ability to use the parcel.

It complies with Standard 2 based on the fact that a lesser relaxation of the standard would not provide substantial relief because the location of the parcel split requires a full elimination of the 50 foot frontage rule.

It complies with Standard 3 based on

It complies with Standard 4 based on

It complies with Standard 5 based on the fact that an adequate easement size would keep the existing access to the 1826 E. Main Street property and allow continued use of the new parcels without hindering the applicant's ability to use the parcel.

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve: (Sample conditions)

- _____
- _____
- _____

Sample motion to deny:

I make a motion to deny the requested variance based on the following findings of fact:

It does not comply with Standard __ based on

It does not comply with Standard __ based on