



VARIANCE BURDEN OF PROOF

In addition to the information required on the application by Chapter 22.56, Part 2, the applicant for a variance shall substantiate to the satisfaction of the Director the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and

See attached

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

VARIANCE BURDEN OF PROOF

A request for approval to allow a second dwelling unit on a residential lot with access from a street that has less than the minimum width (50 feet) for such use.

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classifications as the property as well as all other properties on the street are currently accessed by an existing forty (40) foot wide street. Moreover, the street was originally constructed and currently exists with a width of 40'. The street in its current surroundings cannot accommodate a widening to meet the minimum width required; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners by other property in the same vicinity and zone as all other lots on the same street are also accessed from the 40' wide right-of-way and other lots currently have or have been approved in the past for a second dwelling unit; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone as the majority of the lots along the street also have a second dwelling unit accessed from a 40' wide street and the street was originally constructed with less than the minimum required width.