

Del. Co. Regional
Planning Commission

ARTICLE XXVIII

Section 28.06 D

- D) Decision - In granting such variance, the Board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in practical difficulties and that the spirit of this Resolution will be observed and substantial justice done.

The factors to be considered and weighed in determining whether practical difficulties have been encountered shall include, but are not limited to the following:

- 1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- 2) Whether the variance is substantial;
- 3) Whether the essential character of the area would be substantially altered as a result of the variance;
- 4) Whether adjoining property owners would suffer a substantial detriment as a result of the variance;
- 5) Whether the variance would adversely affect the delivery of essential services (E.g. water, sewer, septic, garbage) school transportation or emergency services (police, fire department, EMTs) from entering or leaving the property without impeding adjoining properties;
- 6) Whether the property owner's predicament can be resolved by some other means other than a variance.
- 7) The proposed use will be in the best interest of the public health, safety, and morals and;
- 8) Whether the hardship conditions were created by the actions of the applicant.
- 9) **Whether the applicant researched the Troy Township Zoning Resolution prior to purchasing the property.**
- 10) **Whether the property was constructed prior to the adoption of the Troy Township Zoning Resolution (1972), and:**
- 11) **Whether the Troy Township Zoning Resolution has been amended since the applicant has owned the property.**