

TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

APPLICATION FOR A VARIANCE

Revised June 2019

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Town of Temple Zoning Board of Adjustment - Revised June 2019

When filing for a Variance, the applicant must complete the ZBA's General Application Form as well as this specific application.

As the applicant, it is your responsibility to provide evidence that you meet each of the requirements for the type of decision you are requesting. simply stating that the standard is met is not sufficient.

You may want to consult with an attorney or other professional as you prepare your application. In order for the ZBA to grant a Variance, it must determine that each of the following conditions are met. At the time of application for a Variance, you must submit documentation regarding the following conditions which, in your judgment, are relevant including discussions with and responses from neighbors.

You must provide answers to the following five questions:

1. Granting the variance would not be contrary to the public interest because:

It would not be contrary to the public interest because all operations of the business would be hidden from the public:

- Existing 4 door, 4 bay plus area in the existing barn ideally lends itself to a small automobile repair shop.
- This ample indoor space allows for most vehicles being serviced to be hidden from view.
- The considerable existing storage bays reduce the number of customer vehicles that may be parked outside in view of the public.
- There will be no additional visible construction requirements.
- There will be no visible on-site storage of car parts, tires, etc.
- There are no plans to operate a multi-car used automobile sales lot.
- There are no plans to hire additional employees.

2. The spirit of the ordinance is observed because:

The spirit of the ordinance is observed because I intend to operate under the provisions of Home Business II.

- The automobile repair shop will primarily concentrate on AUDI, PORSCHE, and VW vehicles rather than general automobile makes thereby reducing customer traffic.

Mark B. Paluilis

3. Substantial justice is done because:

Substantial justice is done because it allows me to operate my small auto repair business with no adverse impact on the town.

4. The values of surrounding properties are not diminished because:

The values of surrounding properties are not diminished because I will operate under the provisions of Home Business II and no operations will be visible to surrounding property owners.

5. Literal enforcement of the provisions of the ordinance would result in an “unnecessary hardship” because:

Need relief from the minimum lot size requirement and from the building setback requirement in order to qualify for operation under Home Business II.

There is no other building on the site for the proposed home business.

a. For purposes of this paragraph, “unnecessary hardship” means that special conditions of the property distinguish it from other properties in the area.

(i) Owing to these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

(ii) The proposed use is reasonable since:

b. If the criteria in subparagraph (a) are not established, an “unnecessary hardship” will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The following special conditions of the property make the variance necessary in order to enable

- **Lot size (1.3 acres)**
- **No other location or building available on lot**

B. Home Business II: A Home Business II will be permitted in the Village and Rural/Agricultural zoning districts if it conforms to all of the requirements of this section.

- 1. It shall be carried out by residents of the premises and not more than three on-premise employees who are not residents.**
- 2. It shall be operated entirely within the dwelling and/or accessory building and shall involve no more than half the total interior space and in no case more than 2000 square feet.**
- 3. It shall be clearly secondary to the use of the premises for dwelling purposes and not alter the general character of the neighborhood or reduce the value of any surrounding property.**
- 4. It shall result in no external evidence of the enterprise except for a permitted sign and shall not have an adverse effect on the environment or the surrounding properties as a result of noise, odors, smoke, dust, lights, pollution (soil, water or air), excessive increases in traffic or in parking requirements, or as a result of other nuisances.**

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9 5. It shall not include on-site Retail except for the sale of produce and products grown or made on-site or the sale of other products that are clearly incidental to the business, profession or trade. 6. It shall have no outdoor display of goods, and no outdoor storage of materials or equipment. One business related vehicle may be stored on site without required screening. 7. The dwelling or accessory building shall not provide window displays or other characteristics or features normally associated with Retail or other commercial use.