

TOWN OF SPRINGFIELD

ORDINANCE AMENDMENT #6 AMENDING
THE TEXT OF THE TOWN ZONING ORDINANCE
RELATED TO VARIANCES

The Town Board has reviewed a proposed amendment to sec. 1.098 Variances.

The Town Board is aware from experience with construction projects over time that there are occasional errors in locating structures. These may result from surveying errors or uncertainty, removal of location stakes or other mistakes. The Town does not intend to allow deliberate violations of setbacks as determined by the Town zoning administrator. However, there are circumstances in which literal compliance with setbacks would require expensive reconstruction of a building with no economic gain.

For that reason, the Town Board has determined to amend the Town Zoning Ordinance's language on variances to authorize a variance of less than one foot where the error was unintentional or compliance would cause economic waste.

Therefore, the Town Board does hereby Ordain as follows:

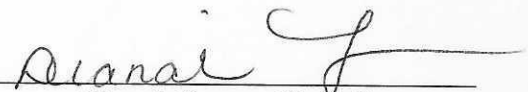
(8) General Review Criteria and Standards.

(e) Negligence or error of a contractor in locating a setback, side yard or building location shall not be considered a practical difficulty or a hardship, unless the Board finds that the variance necessary is 1 foot or less and either (1) the encroachment would not likely have been disclosed by a locational survey, or (2) compliance absent a variance would involve substantial economic waste. Prior to granting a variance under this subsection, the Board shall afford the adjoining property owner the opportunity to be heard.

The amendment shall take effect upon its posting at town hall and publication on the Town's website.

Dated December 7, 2021.

TOWN BOARD OF THE TOWN OF SPRINGFIELD

Attest: 
Dianah Fayas, Clerk-Treasurer