

APPLICATION FOR A USE VARIANCE

OFFICE USE ONLY

Application No. UV- _____
Date of Application: _____
(Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the
Municipal Clerk: _____

Appeal Concerns Property at the following address:

County Tax Map Section: _____ Block: _____ Lot: _____

Zoning District Classification: _____

Date Applicant Acquired Property: _____

(If property is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.)

The applicant's appeal from a decision of the Zoning Enforcement Officer concerns the following:

_____ Denial of an Application for a Building Permit (Attach to Application)

_____ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: _____

Denial was made based on the following sections of the Zoning Code: _____

Date of Zoning Enforcement Officer's Decision: _____

State what type of use variance you are requesting: _____

TEST: No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests is met. Attach all supporting materials.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

Proof. _____

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

Proof. _____

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

Proof. _____

4. The alleged hardship has not been self-created:

Proof. _____

Applicant: _____ **Telephone:** _____

Mailing Address: _____

Signature: _____ **Date:** _____

USE VARIANCE FINDINGS & DECISION

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Date of Notice Published: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the
Municipal Clerk: _____

Applicant: _____

Appeal Concerns Property at the following address:

County Tax Map Section: _____ Block: ___ Lot: _____

Zoning District Classification: _____

Use for which Variance is Requested: _____

Applicable Section of Zoning Code: _____

Permitted Uses of Property: _____

TEST: No use variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following must be met for each and every use allowed by zoning on the property, including use by special use permit.

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

Yes: _____ No: _____

Proof: _____

- ILLUSTRATIONS OF FINANCIAL EVIDENCE
- Bill of sale for the property, present value of property, expenses for maintenance.
 - Leases, rental agreements
 - Tax bills
 - Conversion costs (for a permitted use)
 - Realtor's statement of inability to rent/sell

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

Yes: _____ No: _____

Proofs: _____

- ILLUSTRATIONS OF UNIQUENESS
- Topographic or physical features preventing development for a permitted use.
 - Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
 - Board member observations of the property and surrounding area.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

Yes:_____ No:_____

Proof:_____

ILLUSTRATIVE
NEIGHBORHOOD
CHARACTER FACTORS

- Board members' observations of neighborhood.
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

4. The alleged hardship has been self-created.: Yes:_____ No:_____

Proof:_____

SELF-CREATED

- What were the permitted uses at the time the property was purchased by the applicant?
- Were substantial sums spent on remodeling for a use not permitted by zoning?
- Was the property received through inheritance, court order, divorce?

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE)

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CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Condition No. 3: _____

Adverse impact to be minimized: _____

Condition No. 4: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals

Date

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RECORD OF VOTE

MEMBER NAME AYE NAY

Chair _____ ,

Member _____

Member _____

Member _____

Member _____