



Zoning Board of Appeals

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TOWN OF ROSENDALE
Zoning Board of Appeals
USE VARIANCE APPLICATION

This Section for Zoning Board of Appeals Office Use Only

Application # : _____
Applicant Name: _____
Date Received: _____
County Referral: _____
Variance Issued: _____
Date of Decision: _____

1. ALL APPLICATIONS: Please read and complete the enclosed application for use variance with as much detail as possible. Make sure to answer all relevant questions. **Do not leave any blanks unless the question is not applicable (please notate with N/A if not applicable).**

Example of items that may be enclosed in support of the application:

- a) Property card (Assessor's records)
- b) Tax records
- c) Appraisal
- d) Business records (Maintenance costs, tax records/returns, utility bills)
- e) Renovation documents (if applicable)
- f) Business proposal (if applicable)
- g) Photos
- h) Survey map of property
- i) Neighborhood letter(s) of support (if applicable)
- j) Map/photos/layout of neighborhood
- k) Purchase documents

2. USE VARIANCE: A use variance is a variance granted by the ZBA of the prohibitions against certain uses of real property in a zoning district. A variance, if granted, allows the property owner to use the property in a certain way even though the desired use is otherwise prohibited in the

zoning district. A use variance may be granted upon a demonstration of unnecessary hardship to the property owner in the use of the land.

3. STANDARDS: Please make sure to answer all questions in detail. You must clearly demonstrate that *all* the following prerequisites have been met in order to qualify for a use variance:

- a) The applicant will be deprived of *all* economic use or benefit from the property unless it can be used for the purpose requested, which deprivation must be established by competent financial evidence. Competent financial evidence may include records or documents of: the amount paid for the property, the present values of the property, the expenses attributable to the maintenance, the amount of taxes on the property, income from the property, etc.

- b) The hardship created is unique and does not apply to a substantial portion of the district or neighborhood. To determine whether the conditions that make an applicant's land difficult to use are unique, the ZBA may, for example, consider proximity to a major highway or industry, or physical conditions of the site itself, such as steep slopes or wetlands.

- c) The requested variance would not alter the essential character of the neighborhood. For example, the establishment of a commercial use that generated a lot of traffic or excessive noise could disrupt a residential area.

- d) The hardship is not self-created. An example of a hardship that has been created by the applicant's own actions may be where the applicant purchases residentially zoned land for a very high price, with the thought of subsequently obtaining a variance to use the land commercially. In this case, the applicant created the hardship by paying an inflated amount for the land and should not be granted a variance.

- e) The variance is the minimum necessary to grant relief from the hardship. The ZBA may grant the least relief, or smallest variance, necessary to allow the applicant a reasonable return on the property.

- f) The variance will preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The neighborhood should not be disrupted by the proposed use, even if the applicant proved unnecessary hardship.

Date: _____

1. Applicant(s): _____

2. Contact Person: (if not shown in #1) _____

3. Address: _____

4. Phone: _____ E-Mail: _____

5. Address where variance is requested: _____

Tax Map #: _____ Zoning District: _____

6. Property Owner (if different than applicant): _____

(If the applicant is not the property owner a notarized statement giving authorization to the applicant must be obtained from the property owner and submitted with this application.)

7. Date property acquired by applicant: _____

8. Current use of property:

Residential – Number of dwelling units _____

Commercial – Type _____

Industrial – Type _____

Accessory building – Describe _____

Other – Describe _____

9. Proposed use (Please use above descriptions): _____

10. If the use variance is granted, will the applicant be performing the changes? Yes No

11. If not, please provide the name, address and phone number of the contractor(s): _____

12. Please describe in detail the changes you plan to make on the premises (be specific): _____

13. Please explain how the variance will affect the character of and the health, safety and welfare of the neighborhood: _____

14. Please explain how the hardship *is not* self-created: _____

15. Please explain how the hardship created is unique and does not apply to a substantial portion of the district or neighborhood: _____

16. Please explain why the requested variance will not alter the essential character of the neighborhood: _____

17. Please explain how the variance is the minimum necessary to grant relief from the hardship:

18. Please explain how you will be deprived of *all* economic use or benefit from your property unless it can be used for the purpose you request, which deprivation must be established by competent financial evidence: _____

19. Please explain how the land will not yield a reasonable return by providing the following information:

a) Amount paid for the property in question: _____

b) Date of purchase of property: _____

c) Present market value of property or any part thereof: _____

d) Basis upon which the present market value of the property was obtained: _____

e) The projected market value of the property if the use variance is/is not granted: _____

f) Basis upon which the projected market value of the property was obtained: _____

g) Please provide a breakdown of the expenses attributable to maintenance since acquiring the property in issue (you may wish to include receipts, if applicable): _____

h) Assessment and amount of taxes on the property in issue (if applicable): _____

i) Amount of mortgages and other encumbrances (if applicable): _____

j) Income from the land in issue (if applicable): _____

k) Any other relevant facts particular to the facts of the case: _____

The following question cannot be left blank or answered N/A

20. Provision(s) of the Zoning Law Appealed:

(Include Article, Section, Subsection and Paragraph)

For information on The Town of Rosendale Code visit TownofRosendale.com