

TOWN OF VICTOR

APPLICATION TO THE ZONING BOARD OF APPEALS

Use Variance Application:

Appeal No. _____

The following information must be submitted:

1. Twelve (12) copies of plans, and One (1) 11 x 17 showing location of existing or proposed building and the proposed lot; and,
2. Letter of Intent or Lease Agreement or Purchase Offer when the applicant is not the owner of the lot; and,
3. Environmental Assessment Form (EAF) must be completed and submitted when applying for a Use Variance; and,
4. Applicant or his agent must be present at the Public Hearing.

To the ZONING BOARD OF APPEALS,

I (we) _____
 (Name of Applicant) (Street Address)

 (Municipality) (State) (Zip) (Telephone)

do hereby:

1. Make application for a use variance to the Zoning Code for the following reasons:

Appeal to the Zoning Board of Appeals from the decision of the Code Enforcement Officer on application for Building Permit No. _____ dated _____

whereby the Code Enforcement Officer did:

- grant
- grant with restrictions
- deny
- a use permit
- building permit
- a Certificate of Occupancy
- a Certificate of Compliance

2. Location of the Property _____
(Street Address) (Use district on Zoning Map)

3. Provision(s) of the Zoning Code appeals. (Indicate the Article, section and paragraph of the Zoning Code being appealed, by number. DO NOT QUOTE THE CODE.)

“Use Variance” shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

PLEASE ADDRESS ITEMS 1 THROUGH 4 IN LETTER FORM AND SUBMIT IT WITH YOUR APPLICATION TO THE SECRETARY OF THE ZONING BOARD OF APPEALS;

No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in questions is unique, and does not apply to a substantial portion of the district or neighborhood.

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and,

(4) that the alleged hardship has not been self-created.

The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Imposition of conditions: The Board of Appeals shall, in the granting of use variances have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

(Signature of Applicant)

Sworn to before me this

day of _____

(Notary Public)

AFFIDAVIT

The following is a list of ALL property owners and addresses of people living or owning property within 500 feet as related to my application and appeal.

NAME

ADDRESS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

I HEREBY AUTHORIZE THE SECRETARY TO THE ZONING BOARD OF APPEALS TO COMPLETE THE ABOVE LIST.

(Signature of Applicant)

Sworn to before me this _____

day of _____

(Notary Public)