TOWN OF EVANS ZONING BOARD OF APPEALS

APPLICATION TO THE ZONING BOARD OF APPEALS

SBL#_____ DATE_____

I (we)_____ of_____
Name of applicant Street City State Zip

Hereby appeal to the Zoning Board of Appeals from the decision of the building inspector on application for a building permit, dated_____ whereby the building inspector denied:

_____
Name of applicant on permit

_____
Mailing address of applicant

_____
City, State, Zip Telephone

Location of property:_____
Address

_____

FOR OFFICE USE ONLY

Provision(s) of the Zoning Ordinance Appealed:
Part/Article_____, Section_____, Paragraph_____
_____ _____ _____
_____ _____ _____

Type of appeal
( ) A permit for use
( ) An interpretation of the zoning ordinance or map
( ) A variance to the zoning ordinance

Previous appeal: A previous appeal ( )has, ( )has not, been made with respect to this decision of the building inspector or with respect to the property.
Such appeal(s) was/were in the form of:
( ) a requested interpretation
( ) a request for a variance
and was/were made in appeal #_____ dated_____

The applicant requests for the following variance(s):

Section	Concerning	Purpose	From	To

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) 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 question 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.

(c) 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.

3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

AREA VARIANCE QUESTIONNAIRE

1.) Why will the requested variance not cause an undesirable change to the character of the neighborhood or be detrimental to the surrounding properties?

2.) Why can't you do what you want (ex. expand your house) without requiring a variance?

3.) Why will the variance not have an adverse effect on the physical or environmental conditions of the neighborhood?

4.) If your improvement has already been constructed, state in detail why it was constructed without a permit and/or a variance?

DATE:_____ SIGNATURE:_____

USE VARIANCE QUESTIONNAIRE

1.) **Recognizing every present permitted use, why can you not realize a reasonable return from your property? You must demonstrate the lack of return is substantial for each permitted use by competent financial evidence.**

2.) Show why the hardship relating to your property is unique and does not apply to a substantial portion of the neighborhood?

3.) Why will your variance not change the essential character of the neighborhood?

4.) **Is the hardship you are claiming self-created?**

DATE:_____ SIGNATURE_____