

# TOWN OF ALMOND

Municipal Building  
P.O. Box K  
Almond, New York 14804-0511  
607-276-6665

## Application to the Zoning Board of Appeals Request for a *USE VARIANCE*

"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.

**I. Date of this application** ..... \_\_\_\_\_

### II. Information about the Property

**Address (including fire number)** ..... \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Location (in relation to some landmark)** ..... \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Tax map number** ..... \_\_\_\_\_

**Size (in acres or square feet)** ..... \_\_\_\_\_

**Present zoning** ..... \_\_\_\_\_

### III. Information about the Owner

**Name(s)**..... \_\_\_\_\_  
\_\_\_\_\_

**Mailing address** ..... \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone number(s)** ..... \_\_\_\_\_  
\_\_\_\_\_

**Email** ..... \_\_\_\_\_

**IV. Information about the Applicant** (if different from the owner)

**Name** .....

**Mailing address** .....

**Telephone number(s)** .....

**Email** .....

**Interest in Property** (Agent, Purchaser, etc) ...

Attach a letter of authorization signed by the owner.

**V. Decision being appealed** .....

Attach a copy of the form or letter you received showing this decision

**VI. Requested action by the Zoning Board of Appeals** .....

State law requires that 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. The ZBA may impose reasonable conditions on granting any variances.

**VII. Supporting information**

When applying for a use variance the applicant is asking for permission to establish a use of the property not otherwise permitted in the zoning district. The applicant must prove "unnecessary hardship". State law requires the applicant to show all of the following:

1. **That 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.**
4. **That the alleged hardship has not been self-created.**

**VIII. Attachments**

**a. Proof of the each of the four items in Part VII**

If any one or more of the above factors is not proven, State law requires the ZBA deny the variance.

**b. Site or plot plan drawn to scale (must include the following)**

Name of Owner

Address of Property

Tax Map Number

Size (acres or square feet)

Dimensions

Compass orientation

Existing structures, driveways, etc. (solid or dark lines)

Proposed structures, driveways, etc. (dotted or light lines)

Area (square feet) of all structures

Distance from all structures to lot lines

Identification of adjoining property owners

Adjacent or nearby streets, roads, streams etc.

**c. Copy of the document which resulted in this application**

This is usually a building permit that has been denied by the Code Enforcement Officer

**d. List of abutting property owners**

These property owners will have to be notified at least 7 days before the public hearing.

**e. SEQRA Environmental Assessment Form (Short Form or Full Form as applicable)**

**f. Letter of owner consenting to application (if applicant is not the owner)**

**g. Other attachments deemed pertinent by the applicant**

**IX. Signature and verification**

*Please be advised that no application can be deemed complete unless signed and dated.*

**I hereby certify that the information enclosed herewith and on the attachments is accurate and factual:**

**Signature(s) of Applicant(s):** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_ **Date:** \_\_\_\_\_

**X. Submission**

**Submit this application to the Almond Town Clerk.**