

COLDEN APPLICATION FOR USE VARIANCE



Appeal Concerns Property at address: _____

County Tax Map SBL Number: _____

Zoning District Classification (ref: Zoning Map): ___R1 ___R2 ___RRB ___C ___Ag

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 Colden Code 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)
- _____ Denial of Other (Attach to Application. Example Certificate of Zoning Compliance)

Applicant Please Review: Purpose of a Use Variance

A use variance shall mean an 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.

No such use variance shall be granted 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, for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. That the applicant cannot earn 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.

The Zoning 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 zoning district, and the health, safety and welfare of the community.

For the Proposed Activity:

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

Date of Colden Code Enforcement Officer's Decision: _____

State what type of use variance for your Zoning District 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 a special use permit, if applicable. Below please briefly describe how each of the four variance tests are met for your application. 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: _____

Email Address(es): _____

Signature: _____ ***Date:*** _____