

# USE VARIANCE FINDINGS & DECISION

## OFFICE USE ONLY

Application No. UV- \_\_\_\_\_  
Date of Application: \_\_\_\_\_  
(Postmarked or Hand Delivered)  
Date of Public Hearing: \_\_\_\_\_  
Date Notice Published: \_\_\_\_\_  
Date of County Referral: \_\_\_\_\_  
Date of Final Action: \_\_\_\_\_  
Date of Filing of Decision with the  
Municipal Clerk: \_\_\_\_\_

Applicant: \_\_\_\_\_

Appeal Concerns Property at the following address:

County Tax Map Section: \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
Zoning District Classification: \_\_\_\_\_

Use for which Variance is Requested: \_\_\_\_\_

Applicable Section of Zoning Code: \_\_\_\_\_

Permitted Uses of Property: \_\_\_\_\_

TEST: No use variance will be granted without a showing by 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 special use permit.

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial.: Yes \_\_\_ No \_\_\_

Proof: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## ILLUSTRATIONS OF FINANCIAL EVIDENCE

- Bill of sale for the property, present value of property, expenses for maintenance
- Leases, rental agreements
- Tax bills
- Conversion costs (for a permitted use)
- Realtor's statement of inability to rent/sell

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.): Yes \_\_\_ No \_\_\_

Proofs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## ILLUSTRATIONS OF UNIQUENESS

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.: Yes \_\_\_ No \_\_\_

Proof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ILLUSTRATIVE  
NEIGHBORHOOD  
CHARACTER FACTORS  
• Board members' observations of neighborhood.  
• Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

4. The alleged hardship has been self-created. : Yes \_\_\_ No \_\_\_

Proof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELF-CREATED  
• What were the permitted uses at the time the property was purchased by the applicant?  
• Were substantial sums spent on remodeling for a use not permitted by zoning?  
• Was the property received through inheritance, court order, divorce?

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

- That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.
- That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) \_\_\_\_\_  
\_\_\_\_\_

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Condition No. 2: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Condition No .3: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Condition No. 4: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Chairman, Zoning Board of Appeals    Date

## RECORD OF VOTE

|        | MEMBER NAME | AYE   | NAY   |
|--------|-------------|-------|-------|
| Chair  | _____       | _____ | _____ |
| Member | _____       | _____ | _____ |
| Member | _____       | _____ | _____ |
| Member | _____       | _____ | _____ |
| Member | _____       | _____ | _____ |