# TOWN OF BUSTI
## 125 CHAUTAUQUA AVENUE, LAKEWOOD, NEW YORK 14750

## APPLICATION FOR USE VARIANCE

INSTRUCTIONS TO APPLICANT:
1. SUBMIT A COMPLETE COPY OF THIS APPLICATION.
2. TYPE OR PRINT YOUR ANSWERS.
3. COMPLETE EACH QUESTION FULLY; IF THE QUESTION DOES NOT APPLY, PLEASE MARK "N/A."
4. YOU MUST SUBMIT A DETAILED PLOT PLAN WITH THIS APPLICATION. A SAMPLE OF SUCH A PLAN IS ATTACHED FOR YOUR INFORMATION AND THE ZONING ENFORCEMENT OFFICER WILL SUPPLY YOU WITH A CLEAN VERSION FOR YOU TO COMPLETE.
5. ADD PAGES AS NEEDED.

| APPLICANT INFORMATION | |
|---|---|
| APPLICANT'S NAME: | OWNER'S NAME (IF DIFFERENT): |
| ADDRESS: | ADDRESS: |
| TEL. NO.: | TEL NO.: |
| APPLICANT'S INTEREST IN PROPERTY: □ Owner □ Lessee □ Other (explain) | |

| PROPERTY INFORMATION | | | |
|---|---|---|---|
| TAX MAP NUMBER | Section: | Block: | Lot: |
| STREET ADDRESS: | | SIZE OF PARCEL: | |
| | | PRESENT USE: | |
| | | ZONING DISTRICT: | |

| DECISION APPEALED FROM | |
|---|---|
| THE APPLICANT'S APPEAL FROM A DECISION OF THE ZONING ENFORCEMENT OFFICER, OR ON DIRECT APPEAL FROM THE PLANNING BOARD AS PERMITTED BY STATE LAW, CONCERNS THE FOLLOWING: | |
| □ Denial of Application for Building Permit (attach to application)<br>□ Denial of Application for Certificate of Occupancy (attach to application) | Date of Zoning Enforcement Officer Decision: |
| FOR THE PROPOSED ACTIVITY: | |
| DENIAL WAS MADE BECAUSE OF A VIOLATION OR CONFLICT WITH THE FOLLOWING SECTIONS OF THE ZONING CODE: | |

| VARIANCE INFORMATION |
|---|
| STATE WHAT TYPE OF VARIANCE YOU ARE REQUESTING: |
| STATE THE REASON YOU ARE APPLYING FOR A USE VARIANCE: |

| VARIANCE TESTS |
|---|
| No use variance will be granted without a showing by the applicant that the applicable zoning regulations have caused unnecessary hardship. The following tests must be met for each use allowed by the present zoning scheme, including uses that are allowed by special use permit. In the spaces below, please briefly describe how each of the four tests are met. Attach supporting materials and pages as needed. |
| 1. THE APPLICANT CANNOT REALIZE A REASONABLE RETURN, AS SHOWN BY COMPETENT FINANCIAL EVIDENCE. THE LACK OF RETURN MUST BE SUBSTANTIAL: |
| 2. THE ALLEGED HARDSHIP RELATING TO THE PROPERTY IS UNIQUE (I.E. THE HARDSHIP DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE ZONING DISTRICT OR NEIGHBORHOOD): |
| 3. THE REQUESTED USE VARIANCE, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD: |
| 4. THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED: |

| APPLICANT SIGNATURE | |
|---|---|
| I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed and the premises used as described herein, unless modified by the approving Board. | |
| Signature of Applicant: | Date: |

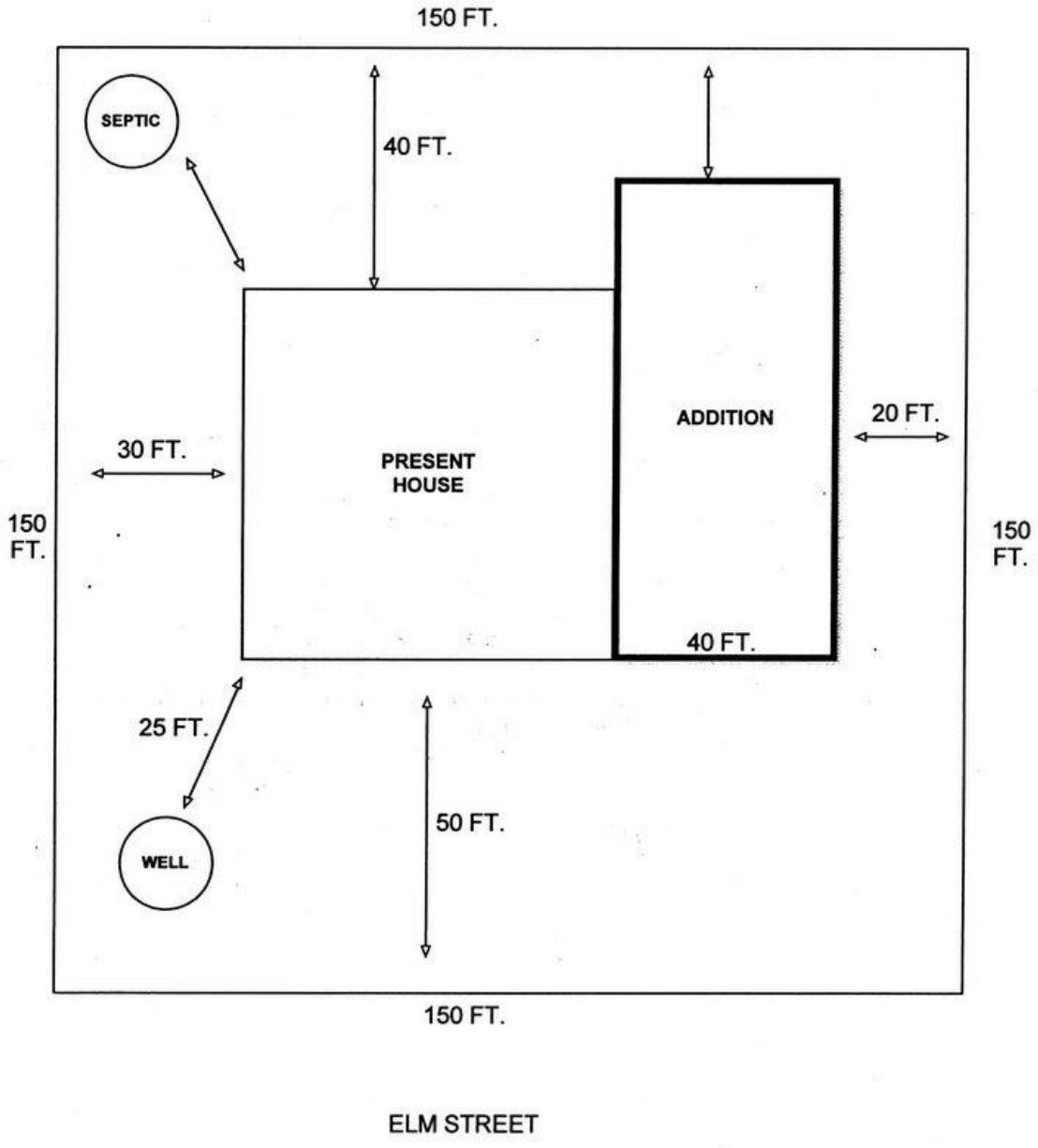
*DO NOT WRITE BELOW THIS POINT - OFFICE USE ONLY*

| | | |
|---|---|---|
| Date of Appeal | | APPROVED □ DENIED □ |
| Date of Receipt by ZBA | | Affix the following documents to and permanently file with this application: |
| Date of Public Hearing | | • Response to Municipal Zoning Referral (if any) |
| Negative/Positive Declaration Adopted | | • Negative Declaration and/or EIS (if any) |
| Publication of Legal Notice of Hearing | | • ZBA Decision |
| Date of ZBA Decision | | • Notification of Approval/Denial |

# PLOT PLAN

1. An application for a building permit, special use permit, or variance must be accompanied by a plot plan, drawn in ink, denoting property lines, all existing and proposed buildings and structures in relation to the property lines, paved or parking surfaces and appropriate measurements.
2. Show the location of water source or well, septic systems, streets, roads, driveway and any rights-of-way.
3. Show the relationship of the parcel to adjacent properties, the distance to the nearest buildings in all directions, and the use of adjacent buildings.
4. If professional drawings for construction work are available, please submit them.

Example (not shown to scale):



# PLOT PLAN

1. An application for a building permit, special use permit, or variance must be accompanied by a plot plan, drawn in ink, denoting property lines, all existing and proposed buildings and structures in relation to the property lines, paved or parking surfaces and appropriate measurements.
2. Show the location of water source or well, septic systems, streets, roads, driveway and any rights-of-way.
3. Show the relationship of the parcel to adjacent properties, the distance to the nearest buildings in all directions, and the use of adjacent buildings.
4. If professional drawings for construction work are available, please submit them.

Frontage of lot: _____ ft.

Street Name: _____