Request for a USE VARIANCE

VILLAGE OF LAKEWOOD, NY

Zoning Board of Appeals

I. USE VARIANCE DEFINED: A Use Variance is defined as a tool which will allow a land use legally prohibited by the Zoning Law in order to relieve an unnecessary hardship upon a particular owner caused by strict interpretation of the Zoning Law.

II. WHEN TO USE THIS FORM: The local Zoning Board of Appeals cannot entertain a request for a Use Variance until a Zoning Permit or other administrative relief has been denied by the Municipal Board and a formal appeal made to the Zoning Board of Appeals. This form should be used to make such as appeal in situations where the facts of the case require a Use Variance, as opposed to Area Variances, special permits, etc.

III. NAME OF APPLICANT: _____

Mailing Address: _____ Phone: _____

Village/State/Zip: _____

IV. PROPERTY IDENTIFICATION:

Section_____ Block_____ Lot_____

Street Address: _____

Village: _____

V. PROJECT DESCRIPTION:

_____

_____

_____

VI. REASON FOR ZONING PERMIT DENIAL:

A. Use requested (Specify) _____
is not listed as a permitted use in the _____ District (Section_____).

B. Zoning Permit was denied _____, 20___.

C. Zoning Permit was requested _____, 20___.

VII. CONSIDERATIONS: The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not the local Zoning Board of Appeals. The following are some considerations which will guide the Zoning Board of Appeals in determining unnecessary hardship. The more complete the answers, the easier a determination will be facilitated.

(Please answer Yes or No to each question and provide additional information where necessary or pertinent)

A. Would the land (property) in question yield a reasonable return if used for any purpose allowed in the zoning District? Yes_____ No_____
Comments:_____
_____
_____

B. Is the current plight of the owner (i.e., the reason for requesting the Use Variance) due to unique circumstances? Yes_____ No_____
Comments:_____
_____
_____

C. If the Use Variance is granted, will the modifications or use alter the essential or existing character of the locality? Yes_____ No_____
Comments:_____
_____
_____

D. Is the hardship self-imposed? (e.g., was the land purchased after the zoning ordinance which prohibits the proposed use was in effect?) Yes_____ No_____
Comments:_____
_____
_____

VIII. HEARING: A public hearing is required within _____ days of this request. Please specify which days or times are inconvenient for you or your representative to attend a hearing: _____
You will be notified in writing of the time and place of the hearing.

XI. SIGNATURE OF APPLICANT: _____

Representative authorized to speak on behalf of owner in their absence:

_____

Date _____, 20___

Fee $_____: Paid_____ Not Paid_____