

Village of Springville

5 W. Main St., PO Box 17, Springville, NY 14141, 592-4936, Fax 592-7088

APPLICATION FOR VARIANCE

NAME : _____

ADDRESS: _____

Due to denial, as per decision of the Code Enforcement Officer, I (We) hereby wish to appeal to the Zoning Board of Appeals for the USE/AREA (circle one) variance regarding a permit to:

I (We) understand the following criteria is eminent in the decision making for the above request for appeal.

- (1) USE VARIANCE: (a) The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein; (b) No such use variance shall be granted by a Board of Appeals 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 that for each and every permitted use under the zoning regulations for the particular district where property is located:
 - (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) the alleged hardship relating to the property 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; and
 - (4) that the alleged hardship has not been self-created.
- (c) 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.
- (2) AREA VARIANCE: (a) the Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein; (b) in making its determination, the Zoning Board of Appeals shall take into consideration the benefits to the applicant if the variance is granted, as weigh against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the application to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the are variance.
- (c) The Board of Appeals, in the granting of area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time, preserve and protect the character of the neighborhood and the healthy, safety and welfare of the community.

Signature of Applicant: _____ Tel No. _____