

VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
APPLICATION FOR USE VARIANCE

For Official Use Only

Application #: _____
Date of Application: _____
Application Fee Received: _____
Date of Public Hearing: _____

Zoning District: _____

Tax Map #: _____ Block #: _____ Lot #: _____

TO THE ZONING BOARD OF APPEALS

A: Statement of Ownership and Interest:

The applicant(s) _____ is/are the owner(s)
of property situated at the following address:

The property described above was acquired by the applicant(s) on:

Date

B: The applicant requests the following **USE** variance to:

as shown on the attached plan drawn to SCALE

ATTACH A SITE PLAN DRAWN TO SCALE

C: NO USE VARIANCE SHALL BE GRANTED BY THE ZONING 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:

- (1) Under applicable zoning regulations the applicant cannot realize a reasonable return **(provided that lack of return is substantial as demonstrated by competent financial evidence)** because:

(Financial evidence must be demonstrated by dollars & cents)

ILLUSTRATIONS OF FINANCIAL EVIDENCE

1. Bill of sale for the property, present value of the property, expenses for maintenance
2. Leases, rental agreements
3. Tax bills
4. Conversion costs (for a permitted use)
5. Realtor's statement of inability

- (2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood because:

ILLUSTRATIONS OF UNIQUENESS

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

- (3) The requested use variance, if granted, will not alter the essential character of the neighborhood because:

ILLUSTRATIVE NEIGHBORHOOD CHARACTER FACTORS

1. Board member's observations of neighborhood
2. Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic

- (4) The alleged hardship was not self-created because:

SELF-CREATED

1. What were the permitted uses at the time the property was purchased by the applicant?
2. Were substantial sums spent on remodeling for a use not permitted by zoning?
3. Was the property received through inheritance, court order, or divorce?

D: Site Inspection:

Applicant agrees that members of the Joint Town/Village Zoning Board of Appeals may inspect the property site of the application by appointment or at other times as agreed to by the applicant and the Board.

Please list preferred day/Times:

Dated: _____ Phone #: _____

Applicant's Name: _____ (please print)

Mailing Address: _____

Applicant's Signature: _____