

APPLICATION FOR VARIANCE
LAND USE AND BUILDING MANAGEMENT BOARD OF APPEALS

Town of _____, NY

WHEN TO USE THIS FORM: This form is to be used by an aggrieved party who appeals to the board seeking a variance from the strict application of the requirements of the zoning ordinance. Such appeal can be filed only when the Land Use Enforcement Officer has made an order, requirement, decision or determination which causes the applicant to seek relief in the form of a variance. This form should not be used for appeals where an interpretation is sought (see form LUBA-1). The applicant is responsible for complying with established LUBA rules and procedures which are available for inspection from the LUBA secretary. Appeals must be filed within 30 days of receipt of notice of Land Use Enforcement Officer's decision.

Instructions: Fully complete this application. Write "NA" when "non-applicable". Applications, complete with fees, shall be filed with the Land Use Enforcement Officer who will file a copy with the LUBA secretary.

OFFICE USE ONLY
Application No. _____
Date of Appeal (Postmark or hand delivered) _____
Official Date of Receipt _____
Date of Public Hearing _____
Date of Final Action _____
Date of Filing Decision with Town Clerk _____

to the Land Use Board Of Appeals:

Statement of Ownership and Party of interest:

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

_____ Tax Map Parcel No. _____

2. The above described property was acquired by the applicant on ____/____/____.

Basis for Request:

I, the applicant hereby appeal the Land Use Board of Appeals from the decision of the Land Use Enforcement Officer relative to my application for (choose one) BUILDING PERMIT NO. _____ LAND USE PERMIT NO. _____ whereby the Land Use Enforcement Officer did deny my application for said (choose one) BUILDING PERMIT / LAND USE PERMIT for the following proposed activity: _____

This denial was made because of an violation (s) of requirements of the Land Use ordinance section number (s) _____. This appeal is made for (Circle as appropriate) a use variance and/or area variance.

All applicants complete the following:

- a. Land Use district classification _____
b. Proposed Use _____
c. Date of receipt of Land Use Enforcement Officer's decision _____

- d. Attach a sketch plan
- e. Attach notice of denial issued by Land Use Enforcement Officer

C. Variance Application:

1. Only applicants for a USE VARIANCE complete this section:

Use variances may be granted only upon your showing that the literal application of the Land Use regulations will result in "unnecessary hardship" which is shown only if you can pass each of the following three tests:

- a) Show that the land in question cannot yeild a reasonal return if used only for each of the purposes allowed in the Land Use district. Such proof must be expressed in dollars and cents. _____

- b) Show that your plight is due to unique circumstances and not to the general condition of the neighborhood. _____

- c) Show that your proposal, if authorized, will not alter the essential character of the locality. _____

2. Only applications for an AREA VARIANCE complete this section:

Area variances may be granted only upon your showing that the literal application of the Land Use regulations will result in "practical difficulty" which is shown only if each of the following three tests are passed:

- a) Show that unless an area variance is granted, that you will suffer "a significant economic injury". _____

- b) The town LUBA, not the applicant, must show at this point, that the land use restriction involved is reasonably related tot a legitimate exercise of the Land Use power. THE TOWN, NOT THE APPLICANT, IS RESPONSIBLE FOR MAKING THIS FINDING.

- c) Show that the particular restriction is not related to the public health, welfare and saftey and that the area variance, if granted, will not adversely affect the surrounding community.

Signature(s) _____

Mailing Address _____

DATE _____

Telephone No. _____

Applications may be returned to the Town Clerk at Richfield Town Hall, 18 East James Street or mailed to Richfield Town Hall, Po Box 786, Richfield Springs, NY 13439.

A fee of \$75 must be pair to the Clerk at time of filing.