

**TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045**

USE VARIANCE FINDINGS & DECISION

Applicant: _____ Phone #: _____

Address: _____ Fee: _____

Property Owner: _____

Appeals Concerns Property at the following address: _____

Tax Map Number: _____

Zoning District Classification: _____

Use for which Variance is requested: _____

Applicable Section of Zoning Code: _____

Signature: _____ Date: _____

TEST: No Use Variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following test must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?
Yes _____ No _____

Proof: _____

2. Has the Applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood?
Yes _____ No _____

Proof: _____

Use Variance Findings & Decision

3. Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood? Yes _____ No _____

Proof: _____

4. Has the Applicant demonstrated that the alleged hardship has not been self-created?
Yes _____ No _____

Proof: _____

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) _____

USE VARIANCE FINDINGS & DECISION

Question #1

ILLUSTRATIONS OF FINANCIAL EVIDENCE

Bill of sale for the property, present value of property, expenses for maintenance.

Leases, rental agreements.

Tax bills.

Conversion costs (for a permitted use).

Realtor's statement of inability to rent/sell.

Question #2

ILLUSTRATIONS OF UNIQUENESS

Topographic or physical features preventing development for a permitted use.

Why would it be possible to construct the applicant's proposal and not any of the permitted uses?

Board member observations of the property and surrounding area.

Question #3

ILLUSTRATIVE NEIGHBORHOOD CHARACTER FACTORS

Board members' observations of neighborhood.

Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

Question #4

SELF-CREATED

What were the permitted uses at the time the property was purchased by the applicant?

Were substantial sums spent on remodeling for a use not permitted by zoning?

Was the property received through inheritance, court order, divorce?