

Application Number _____

Tax Parcel Number _____

Date Received _____

\$145 Fee _____

Town of Urbana

PO Box 186, Hammondsport, New York 14840
Town Clerk (607) 569-3743 Codes Department (607) 569-3743 ext. 5



Use Variance Application

Applicant
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Property Owner
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Location of Property: _____

Applicable Code(s): _____

Instructions

- Complete all sections of this application and submit it to the Town Clerk. (Original and 5 copies)
- Include a detailed property map showing dimensions of existing and proposed structures, as well as setbacks of existing and proposed structures to structures, boundaries, septic system and water supply. (Sample map provided)
- This application constitutes an appeal from a decision of the Zoning Enforcement officer denying a Zoning Permit. A copy of this decision must be attached.
- Complete the Short Environmental Assessment Review form. (Front page only)
- Include any additional attachments that you feel will adequately support your appeal, such as photographs, building plans, surveys, and tax maps.
- Include an application fee in the amount of \$145.00, payable to the Town Clerk. The fee is nonrefundable in the event that your variance is denied.
- The Zoning Board of Appeals meets on a monthly basis. All applications and submissions must be received by the Town Clerk at least 20 days prior to this meeting in order to meet NYS laws.
- Upon receipt of a completed application the Town Clerk will post a legal notice advertising the Public Hearing for your appeal and notify you of the time and date of the Public Hearing. You, or a duly authorized representative, must attend the Public Hearing.
- Upon the close of the Public Hearing the ZBA may be able to render a decision at that time.
- If the ZBA requires additional time, the decision must be reached within 62 calendar days. You will receive a written copy of this decision.
- Any variance granted which is not exercised within one year from the date of issuance must be declared to be revoked without further hearing by the Board of Appeals.

A Use Variance allows landowners to use their land in a way not permitted under the zoning law. Use variances generally are more difficult to obtain than area variances. Before a use variance may be permitted by the Zoning Board of Appeals, the applicant must show "unnecessary hardship." TO demonstrate "unnecessary hardship: the applicant must prove (1) he cannot realize a reasonable return; (2) the hardship is unique to his property; (3) the variance will not alter the essential character of the neighborhood; and (4) the hardship is not self-created. Additionally, the statute mandates the granting of the minimum variance necessary to alleviate the hardship. Consequently, in granting the minimum variance, the board may impose conditions to protect the "essential character of the neighborhood".

Applicant Narrative: Please provide an overview of your project. Use additional pages where necessary.

The owner cannot realize a reasonable return on the property as zoned. The lack of return must be substantial and proven by competent financial evidence. It is insufficient for the applicant to show that the desired use would be more profitable than the sure permitted under the zoning law. Please explain:

The hardship must be unique to the owner's property and not applicable to a substantial portion of the zoning district. If the hardship is common to the whole neighborhood, the remedy is to seek a change in the zoning from the local legislature, not to apply for a use variance from the Zoning Board of Appeals. What conditions exist on your property that do not exist on similarly zoned properties and how do these conditions result in an unnecessary hardship?

Granting the variance will not alter the essential character of the neighborhood. In making this determination, the zoning board should consider the intensity of the proposed development as compared with the intensity of the existing and permitted uses in the neighborhood.

The hardship is not self-created. What conditions on this property are unique to the property in question, and are not present in a substantial portion of the district or neighborhood? Explain why you "need" relief from the code versus "want" relief from the code.

Signature and Verification

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclose herewith and on the application is accurate and factual:

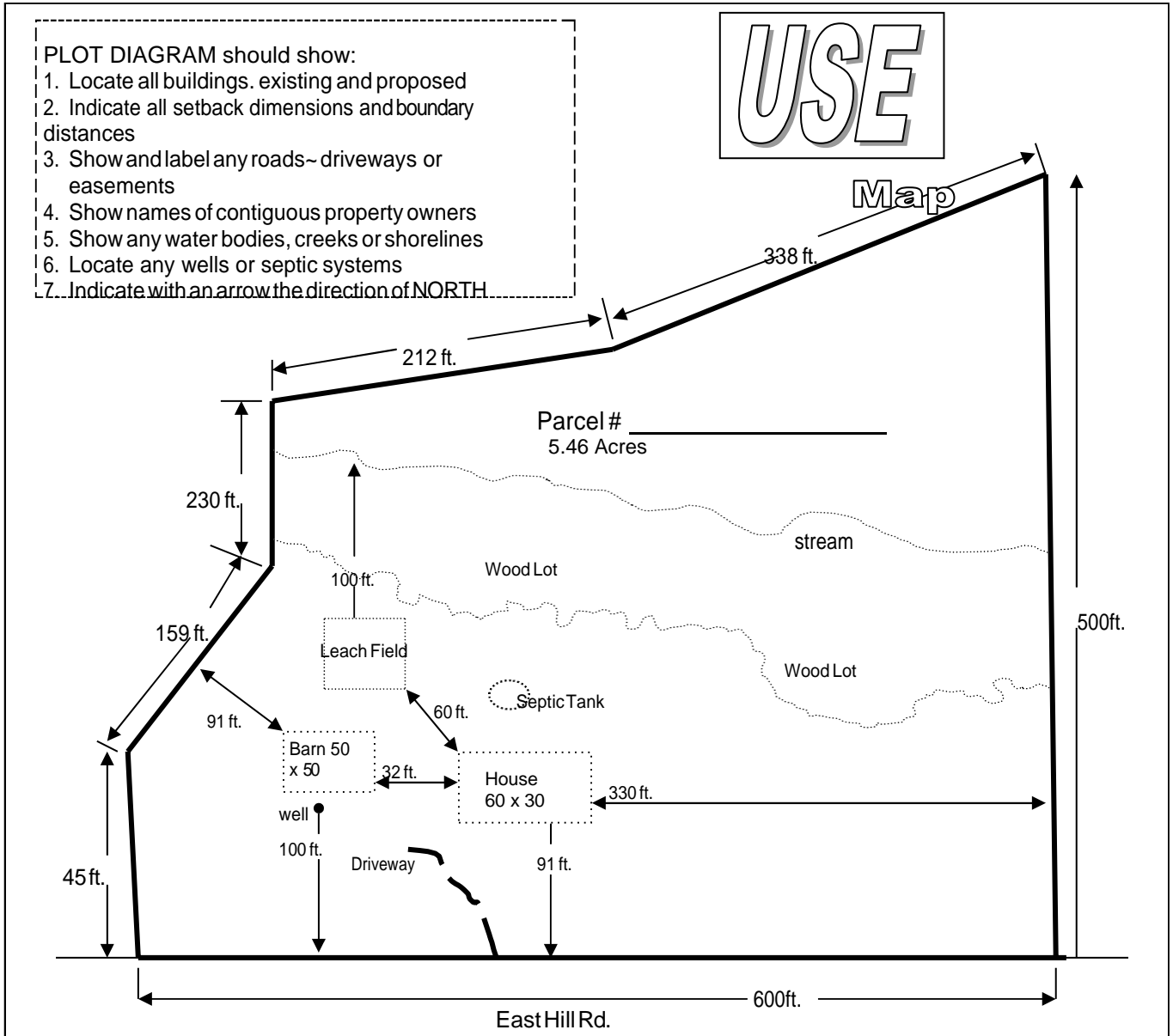
Signature of Applicant: _____ Date: _____

I, the record owner do hereby authorize _____ to represent me before the Zoning Board of Appeals during the variance process:

Signature of Owner: _____ Date: _____

Sample—Variance Sketch Map– Plot Diagram

Note: An enlarged readable copy of a tax map or survey is often used as a basis for a sketch for a sketch map.



NOTE: PLEASE MODIFY SHAPE OF PROPERTY AS NECESSARY.

In an effort to assist you, the Town of Urbana Area & Bulk Regulations are provided below:

Zoning District	Minimum Lot Size		Lot Width (d)		Boundary Setback			% Lot Coverage
	Res.	N. Res.	Res.	N. Res.	Front ©	Side	Rear	
Agricultural	2 acres	2 acres	250'	250'	50'	20'	50'	20%
Residential	10,000 Sq.Ft.	10,000 Sq.Ft.	75'	75'	40'	10'	30'	25%
Residential(a)			50'	75'	15' (b)	10'	20'	25%
Business	NA	10,000 sq ft	NA	100'	35'	20'	20'	50%
Industrial		30,000 sq ft		200'	50'	25'	20'	35%
Flood Plain		1 acre		150'	50'	25'	50'	10%

Key: a = Keuka Lake Shoreline Lot

b = Distance from mean high-water to the principal building

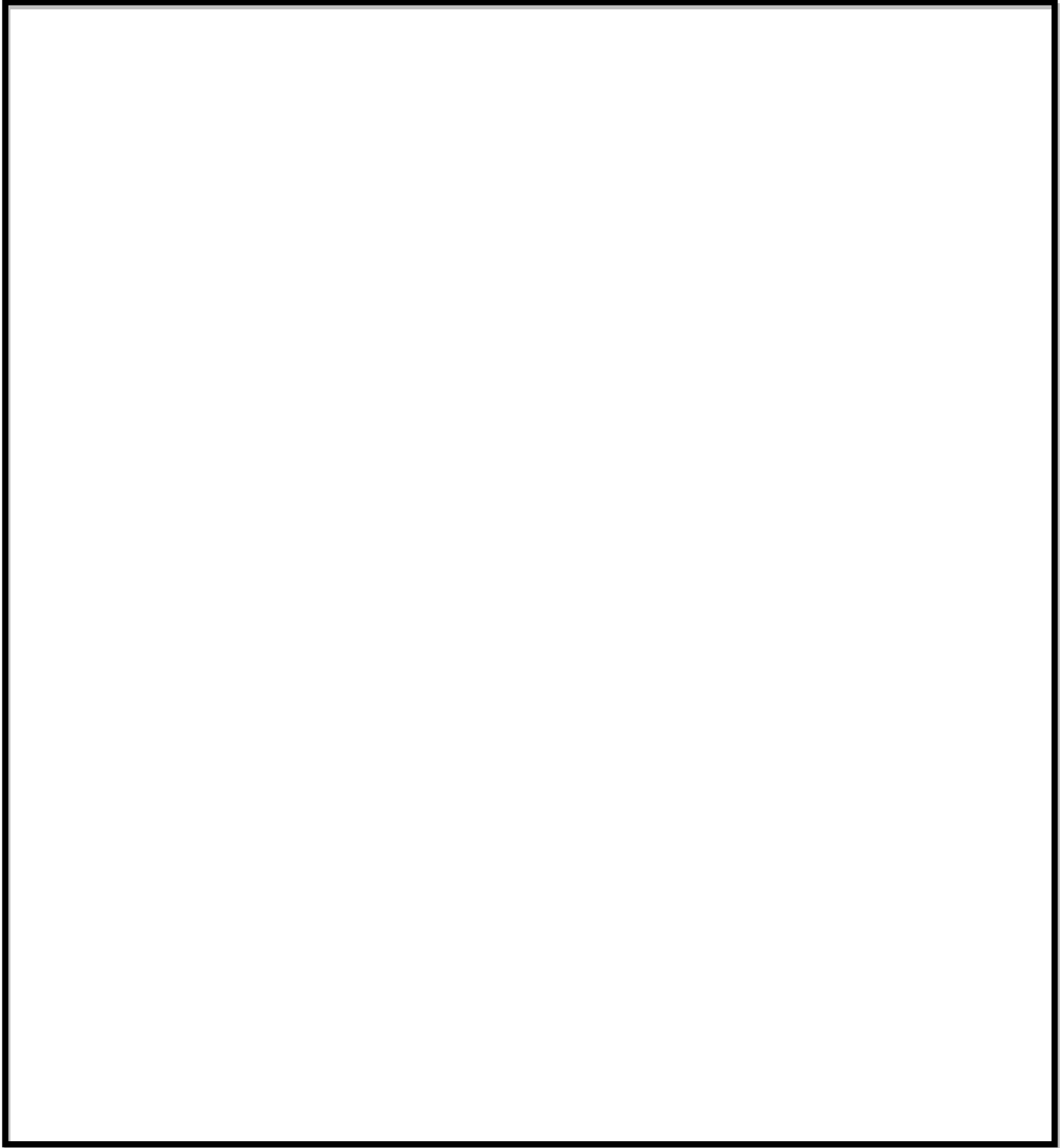
c = Distance from the edge of the improved portion of roadway to building

d = Road frontage

Use the space provided for your plot diagram or supply a diagram as an attachment.

Note: All items indicated on the previous page must be included.

Missing information will result in delays.

A large, empty rectangular box with a thick black border, intended for the user to draw a plot diagram or attach a diagram.