TOWN/VILLAGE OF LIMA

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APPEAL TO THE ZONING BOARD FOR AN USE VARIANCE

SECTION I: APPLICANT INFORMATION

	APPLICANT	OWNER (if not applicant)	ATTORNEY/AGENT
NAME:			
ADDRESS:			
TEL./FAX:	/	/	/
E-MAIL:			

Applicant's interest in the premises: ☐ Owner ☐ Lessee ☐ Under option to lease or purchase

Applicant must be the property owner. If applicant is lessee or one with an option to lease or purchase the property in question then an Owner's signed consent statement must be attached.

SECTION II: PROPERTY INFORMATION

1. Property Address: _____
2. Tax Parcel No.:_____
3. Zoning District:_____
4. The following designations are located on the property: (check all that apply)
   - ☐ Historic Preservation Overlay
   - ☐ Stream Corridor Protection Overlay
   - ☐ Steep Slope Protection Overlay
   - ☐ Land Conservation District
   - ☐ Wetland Protection Overlay
   - ☐ Flood Plain
5. Deed restrictions or covenants applying to property:_____
6. Has a ZBA variance been granted for this property? ☐ Yes ☐ No

   When:_____ For what:_____
7. The applicant requests relief from the following Town / Village Zoning Ordinance:_____
8. A use variance is requested to permit the following:_____

   _____

   _____

   _____

SECTION III: USE VARIANCE QUESTIONS *(add additional information as necessary)*

In order for the Zoning Board of Appeals to grant a Use Variance, an applicant must prove that the Zoning Regulations create an unnecessary hardship in relation to the property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. **THE APPLICANT CANNOT REALIZE A REASONABLE FINANCIAL RETURN ON INITIAL INVESTMENT FOR ANY CURRENT PERMITTED USE ON THE PROPERTY.** "Dollars and Cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons: _____
_____
_____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase:_____ Purchase Amount:_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: $_____

4) Annual taxes: $_____

5) Annual income generated from property: $ _____

6) Assessed value: $_____

7) Appraised value: $_____

8) Appraiser:_____ Date:_____

Appraisal assumptions:_____

B. Submit the following sale information relating to this property.

1) Has the property been listed for sale with the Multiple Listing Service? _____
If "yes" for how long?_____Original listing date:_____

2) Original listing price:_____
If listing was reduced, describe when and to what price_____

3) Has the property been advertised online and in newspapers?
If "yes" describe frequency and name of publications:_____

4) Has the property had a "For Sale" sign posted?
If "yes" list date sign was posted:_____

5) How many times has property been shown and with what results?_____

_____

2. **THE FINANCIAL HARDSHIP RELATING TO THIS PROPERTY IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE NEIGHBORHOOD** (this hardship may not apply to a substantial portion of the zoning district or neighborhood.) This previously identified financial hardship is unique for the following reasons: _____

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

ILLUSTRATIONS OF UNIQUENESS

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

3. **THE GRANTING OF THIS VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.** Changes that will alter the neighborhood or district character would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the essential character of the neighborhood or district for the following reasons:_____

_____
_____
_____
_____
_____
_____

NEIGHBORHOOD CHARACTER FACTORS

- Board members observations
- Expected effect of proposal on neighborhood, ie: change in parking patterns, noise levels, lighting, traffic, etc.

4. **THE ALLEGED HARDSHIP HAS NOT BEEN SELF CREATED**. An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self created for the following reasons:

_____
_____
_____
_____
_____
_____
_____
_____

SELF CREATED

- What were the permitted uses at time of property purchase by applicant.
- Was property received through inheritance, court order or divorce.
- Were substantial sums spent on remodeling for a use not permitted by zoning.

_____

SECTION IV: APPLICATION CHECKLIST

YES	NO	NR	
☐	☐	☐	Agricultural Data Statement
☐	☐	☐	State Environmental Quality Review Form
☐	☐	☐	County Planning Board Referral
☐	☐	☐	An instrument survey map or tape location map that shows all existing and proposed structures, setback dimensions and property area.
☐	☐	☐	Fee paid at time of application.
☐	☐	☐	Sign posting by Building Inspector.
☐	☐	☐	Notification of surrounding property owners by Building Inspector.

The Zoning Board reserves the right to request additional information, as necessary, to support an application. Town/Village staff will review the application and related information as submitted and determine that the application is complete or if additional information is required in order for the Zoning Board to adequately review the application. Applicant shall submit any supplementary information requested no later than one week prior to the Zoning Board meeting date in order to afford time for review of information prior to the meeting. The applicant shall submit ten (10) complete sets of all materials.

SECTION V: DISCLOSURE AND APPLICANT CERTIFICATION

DISCLOSURE

Does any Village/Town officer, employee, or family member thereof have a financial interest in this application?

☐ Yes ☐ No

If "yes", the name, address and nature and extent of this interest must be detailed below:

Name:_____

Address:_____

Nature/Extent of Interest:_____

_____

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

_____

(applicant signature)

_____

(applicant signature)