



PO Box 100
 11 North Lake Avenue
 Bergen, New York 14416
 Phone (585)494-1513
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Office Use Only

Date of Application: _____

(Postmarked or Hand Delivered)

Date of Public Hearing: _____

Date of Decision: _____

Fee: _____ Paid: _____

Appeal to the Zoning Board for an Area Variance, Use Variance, and/or Interpretation

SECTION I: APPLICANT INFORMATION (to be filled in by applicant)

	APPLICANT(S)*	OWNER(S) (if not applicant)	ATTORNEY/AGENT
NAME:	_____	_____	_____
ADDRESS:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Phone:	_____	_____	_____
Fax:	_____	_____	_____
Email:	_____	_____	_____

An applicant must be the property owner, lessee, or one with a contract to lease or purchase the property in question.

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

SECTION II: PROPERTY INFORMATION (to be filled in by applicant)

- Property Address (No. & St.) _____
- Tax Parcel No.: _____
- Current Zoning District: _____
- Has a previous ZBA application/appeal been filed for this property?
 Yes When: _____ For What: _____ No
- Is there a written violation for this parcel that is not the subject of this application? Yes No
- Detailed Description of project (include current and proposed use) _____

- Has the work, use or occupancy which relates to this appeal begun? Yes No
- Identify the type of appeal you are requesting (check all that apply):
 Area Variance (Section III) Use Variance (Section IV) Interpretation (Section V)

Address: _____

SECTION III: AREA VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Code Article(s): _____
Requirement for which Variance is requested: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. **CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY OTHER FEASIBLE MEANS?** Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible. _____

2. **WILL GRANTING OF THE VARIANCE PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES?** Granting the variance will not create a detriment to nearby properties or an undesirable change in the character for the following reasons: _____

3. **IS THE REQUESTED VARIANCE SUBSTANTIAL?** The requested variance is not substantial for the following reason: _____

4. **WILL THE VARIANCE HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT?** The requested variance will not have an adverse physical or environmental effect in the neighborhood or district for the following reasons: _____

5. **WAS THE ALLEGED DIFFICULTY SELF-CREATED?** (this does not necessarily preclude granting of an area variance) Explain whether the alleged difficulty was or was not self-created: _____

Address: _____

SECTION IV: USE VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Code Article(s): _____
A use variance is requested to permit the following: _____

For the ZBA to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that 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 CURRENTLY PERMITTED USE ON THE PROPERTY.** “Dollars & 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 the property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Annual maintenance expenses: \$ _____ 4. Annual Taxes: _____

5. Annual income generated from property: \$ _____

6. Assessed value: \$ _____ 7. Appraised value: \$ _____

8. Appraiser: _____ 9. Date: _____

Appraisal Assumptions: _____

B. Has the property been listed for sale with the Multiple Listing Service (MLS)? Yes No
If “yes”, for how long? _____

1. Original listing date: _____ Original listing price: \$ _____

If listing was reduced, explain when and to what extent: _____

2. Has the property been advertised in the newspapers or other publications? Yes No

If “yes”, describe frequency and name of publications: _____

3. Has the property had a “For Sale” sign posted on it? Yes No

If “yes”, list the dates when sign was posted: _____

4. How many times has the property been shown and with what results? _____

Address: _____

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 the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area

3. **THE VARIANCE, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.** Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Code. The requested variance will not alter the character of the neighborhood for the following reasons:

ILLUSTRATIVE NEIGHBORHOOD CHARACTERISTIC FACTORS

- Board members' observations of neighborhood
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic

4. **THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.** An applicant (whether the property owner or one acting on behalf of the property owner) 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 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 or divorce?

Address: _____

SECTION V: INTERPRETATION — PLEASE ANSWER THE FOLLOWING (add additional information as necessary)

1. Identify the section(s) of the Zoning Code for which you are seeking an interpretation:
Section(s): _____

2. How do you request that this section be interpreted? _____

3. If interpretation is denied, do you wish to request an alternative zoning relief? Yes No

4. If the answer to #3 is “yes”, what alternative relief do you request?

 Use Variance Area Variance

SECTION VI: DISCLOSURE AND APPLICANT SIGNATURE

DISCLOSURE

Does any Village 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: _____

Address: _____

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)

(Date)

(Applicant Signature)

(Date)

(Applicant Signature)

(Date)

AREA VARIANCE CONSENT TO ACCESS THE PROPERTY

I/we, hereby consent to allow members of the Zoning Board of Appeals the right of access to my/our property for the purpose of viewing and inspecting the proposed area variance, which is a subject matter of the proceeding herein before the Zoning Board of Appeals.

(Applicant Signature)

(Date)

(Applicant Signature)

(Date)

(Applicant Signature)

(Date)

Important Information:

The fee to process this application is \$300.00 plus a public hearing fee of \$100.00. Cash, check, or credit cards accepted at the counter. Checks made out to the Village of Bergen. You will not be placed on the Agenda until the fee is paid.

To help this application process, please include a survey map of the property in question. Pictures are also very helpful. Remember, there is no such thing as too much information when it comes to the Zoning Board of Appeals.

Address: _____