

# TOWN OF NORTH HARMONY

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## Request for a USE VARIANCE

From the Town of North Harmony  
Zoning Board of Appeals

I. **USE VARIANCE DEFINED** – A Use Variance is defined as a tool which will allow a land use legally prohibited by the zoning law in order to relieve an unnecessary hardship upon a particular owner caused by strict interpretation of the zoning law.

II. **WHEN TO USE THIS FORM** – The local Zoning Board of Appeals cannot entertain a request for a Use Variance until a building permit or other administrative relief has been denied and a formal appeal made to the Zoning Board of Appeals. This form should be used to make such an appeal in situations where the facts of the case require a Use Variance, as opposed to an Area Variance, Special Permit, etc.

III. NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

IV. PROPERTY IDENTIFICATION # (TAX MAP#) \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

V. PROJECT DESCRIPTION: \_\_\_\_\_

### VI. REASON FOR BUILDING/ZONING PERMIT DENIAL

- A. Use requested (specify) \_\_\_\_\_  
Listed as a permitted use in the \_\_\_\_\_ District (section \_\_\_\_\_)
- B. Building/Zoning Permit was denied \_\_\_\_\_ **20** \_\_\_\_\_  
Building/Zoning Permit was requested \_\_\_\_\_ **20** \_\_\_\_\_

VII. **CONSIDERATIONS:** The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not the local Zoning Board of Appeals. The following are some considerations which will guide the Zoning Board of Appeals in determining unnecessary hardship. The more complete the answers, the easier a determination will be facilitated.

(Please answer Yes or No to each question and provide additional information where necessary or pertinent)

A. Would the land (property) in question yield a reasonable return if used for any purpose allowed in the zoning district? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Is the current plight of the owner (i.e., the reason for requesting the Use Variance) due to unique circumstances? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_

C. If the Use Variance is granted, will modification or use alter the essential or existing character of the locality? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Is the hardship self-imposed (i.e., was the land purchased after the zoning ordinance which prohibits the proposed use, in effect)? YES \_\_\_\_\_ NO \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VIII. HEARING** – A public hearing is required within \_\_\_\_ days of this request. Please indicate which days or times are inconvenient for you or your representative to attend a hearing.

\_\_\_\_\_

**The regular Zoning Board of Appeals Hearing is held on the 4<sup>th</sup> Wednesday, at 7:30 PM.  
You will be notified in writing of the time and place of the hearing.**

**IX. SIGNATURE OF APPLICANT** \_\_\_\_\_

DATE \_\_\_\_\_ FEE \$ \_\_\_\_\_ PAID \_\_\_\_\_ NOT PAID \_\_\_\_\_

**NOTICE TO APPLICANT:**

**TEN(10) COMPLETE COPIES** OF BUILDING PERMIT REQUESTS REQUIRING ANY TYPE OF **VARIANCE OR SPECIAL PERMIT TO BE HEARD BY THE ZONING BOARD OF APPEALS** MUST BE SUBMITTED TO THE ZONING CEO OR TOWN CLERK AT LEAST 20 DAYS PRIOR TO THE HEARING DATE. EACH COPY SHOULD INCLUDE THE FOLLOWING (*COPIES MAY BE TWO SIDED AND REDUCED AS NECESSARY*):

- **FULLY COMPLETED AND SIGNED** APPLICATION FOR BUILDING AND ZONING PERMIT
- **FULLY COMPLETED AND SIGNED** APPLICATION FOR VARIANCE / SPECIAL PERMIT
- SUPPORTING DOCUMENTATION (I.E. PHOTOS, DRAWINGS, MAPS, ETC.)

**The Town of North Harmony Zoning Ordinance is available online at [www.townofnorthharmony.com](http://www.townofnorthharmony.com)**