

## **USE VARIANCE APPLICATION**

### **JOINT ZONING BOARD OF APPEALS (ZBA)/PLANNING BOARD TOWN OF WESTMORELAND**

**USE VARIANCE** pursuant to the Zoning Ordinance of the Town of Westmoreland, New York, Sections 180-85.

**Date:** \_\_\_\_\_ **Tax ID#:** \_\_\_\_\_ **District:** \_\_\_\_\_ **Violation Section** \_\_\_\_\_

**APPELLANT NAME(S):** \_\_\_\_\_ **PHONE NUMBER:** \_\_\_\_\_

**MAIL ADDRESS:** \_\_\_\_\_

**PROPOSED PURPOSE:** \_\_\_\_\_

#### **To the Joint Zoning Board of Appeals/Planning Board**

The appellant(s) hereby appeals to the Joint Zoning Board of Appeals/Planning Board of the Town of Westmoreland, New York from a determination of the Codes Enforcement Officer who did deny the application of the Appellant(s) having been submitted to the Code Enforcement Officer.

1. The Appellant(s) recognizes that the Joint Zoning Board of Appeals/Planning Board may grant the requested use variance only where strict application of the aforesaid section of the Zoning Ordinance would result in unnecessary hardship; no such variance shall be granted unless the Joint Zoning Board of Appeals/Planning Board finds:
  - (a) The applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence;
  - (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (d) The alleged hardship has not been self-created.

Furthermore, the Appellant(s) recognizes that the Joint Zoning Board of Appeals/Planning Board may prescribe appropriate conditions or safeguards that are necessary or desirable to carry out the foregoing requirements for the granting of a use variance.

#### **ALL PERMIT FEES ARE NON-REFUNDABLE**

If you have questions, please contact:  
**Joint ZBA/Planning Board Chairman**  
**Joseph Malecki (315) 794-9482**