

TOWN OF WESTMORELAND

JOINT ZONING BOARD OF APPEALS/PLANNING BOARD

AREA VARIANCE pursuant to Section 180-85 of the Zoning Ordinance of the Town of Westmoreland, New York, adopted 1964 and as revised.

APPELLANT(S): \_\_\_\_\_ PROPERTY LOCATION \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAIL ADDRESS \_\_\_\_\_ PROPOSED PURPOSE \_\_\_\_\_  
PHONE NUMBER \_\_\_\_\_ VIOLATION SECTION \_\_\_\_\_

To the Joint Zoning Board of Appeals (ZBA)/Planning Board

1. 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.
2. The Appellant(s) recognizes that the Joint Zoning Board of Appeals/Planning Board may grant the requested area 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. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - C. Whether the requested area variance is substantial;
  - D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - E. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.

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 an area variance.

3. Having fully reviewed the above (5) requirements for the granting of an area variance, Appellant(s) hereby requests such area variance for the following reasons:

(A) The variance is not substantial in relation to the zoning requirement and the variance is a minimum variance to meet the Appellant(s) needs because;

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(B) The increased population density or land use intensity will not adversely affect available government facilities because;

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(C) A substantial change will not be produced in the character of the neighborhood and no substantial detriment to adjoining properties will result because;

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(D) The difficulty can not be reasonably eliminated by some method other than an area variance which is feasible for the Appellant(s) to pursue

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(E) The Appellant(s) has not knowingly created a prohibited situation subsequent to the adoption of the Zoning Ordinance (August 25, 1964) and therefore has created a self-created hardship because;

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4. That an appeal for the variance requested herein has previously been made. \_\_\_No \_\_\_Yes

Appellant(s) Signature: \_\_\_\_\_

**ALL PERMIT FEES ARE NON-REFUNDABLE**

If you have questions, please contact:

**Joint Zoning Board of Appeals (ZBA)/Planning Board Chairman  
Chuck Smith (315) 709-9940**