

# USE VARIANCE APPLICATION

TO: VILLAGE OF MIDDLEPORT ZONING BOARD OF APPEALS  
24 MAIN ST., MIDDLEPORT, NY 14105  
FEE: \$200.00, PAYABLE TO VILLAGE CLERK

## STATEMENT OF OWNERSHIP/INTEREST

THE APPLICANT(S) \_\_\_\_\_ IS/ARE THE OWNER(S)  
OF PROPERTY SITUATED AT THE FOLLOWING ADDRESS: \_\_\_\_\_

THE APPLICANT(S) RESIDENCE ADDRESS, IF DIFFERENT, IS: \_\_\_\_\_

DISTRICT ZONED:  R-1, RESIDENTIAL  R-2, MULTIPLE RESIDENTIAL  B-1, BUSINESS  
 L-1, LIGHT INDUSTRIAL  F-1, INDUSTRIAL

THE ABOVE PROPERTY  IS  IS NOT LOCATED WITHIN A COUNTY AGRICULTURAL DISTRICT OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT (REF: AGRICULTURAL & MARKETS LAW ARTICLE 25AA). IF "YES", LIST BELOW OR ON SEPARATE SHEET THE NAME/ADDRESS OF ALL OWNERS OF LANDS CONTAINING ANY FARM OPERATIONS WITHIN THE AGRICULTURAL DISTRICT, WHICH LANDS ARE LOCATED WITHIN 500 FEET OF THE BOUNDARY OF THE PROPERTY.

## REQUEST

THE APPLICANT APPEALS TO THE ZONING BOARD OF APPEALS FOR A **USE VARIANCE** FROM THE APPLICABLE USE PROVISIONS OF THE VILLAGE ZONING ORDINANCE FOR THE FOLLOWING PURPOSES (DESCRIBE INTENDED USE OF LAND):

## REASONS FOR REQUEST

THE APPLICANT HAVING BEEN UNABLE TO OBTAIN THE NECESSARY PERMIT APPROVAL ALLEGES:

1. THE STRICT APPLICATION OF THE PROVISIONS OF THE ZONING ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP INCONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE OF THE VILLAGE OF MIDDLEPORT IN THAT THE PROPERTY CANNOT YIELD A REASONABLE RETURN IF USED FOR ANY PRESENTLY ALLOWABLE PURPOSE.
2. THE GRANTING OF SUCH USE VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT TO THE PUBLIC INTEREST OR TO THE PROPERTY OR IMPROVEMENTS IN SUCH DISTRICT IN WHICH THE EXCEPTION IS SOUGHT, AND WILL NOT MATERIALLY IMPAIR THE PURPOSE OF THE ZONING ORDINANCE OF THE VILLAGE OF MIDDLEPORT BECAUSE (BRIEFLY DESCRIBE THE HARDSHIP INVOLVED AND ANY OTHER PERTINENT INFORMATION TO SUPPORT YOUR REQUEST):

APPLICANT(S) SIGN/DATE: \_\_\_\_\_

## NOTE

**A.** NO SUCH USE VARIANCE WILL BE GRANTED BY THE ZONING BOARD OF APPEALS WITHOUT A SHOWING BY THE APPLICANT THAT APPLICABLE ZONING REGULATIONS AND RESTRICTIONS HAVE CAUSED UNNECESSARY HARDSHIP. THE APPLICANT SHALL DEMONSTRATE TO THE BOARD THAT:

1. UNDER APPLICABLE ZONING REGULATIONS, THE APPLICANT CANNOT REALIZE A REASONABLE RETURN FROM THE PROPERTY IN QUESTION, WHICH LACK OF RETURN IS SUBSTANTIAL, AS DEMONSTRATED BY COMPETENT FINANCIAL EVIDENCE.
2. THAT THE ALLEGED HARDSHIP RELATING TO THE PROPERTY IN QUESTION IS UNIQUE, AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE NEIGHBORHOOD.
3. THAT THE REQUESTED USE VARIANCE, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.
4. THAT THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.

**A.** THE ZONING BOARD OF APPEALS HAS THE POWER TO IMPOSE REASONABLE CONDITIONS WHEN GRANTING USE VARIANCES.

**B.** ANY USE VARIANCE GRANTED SHALL BE THE MINIMUM VARIANCE DEEMED NECESSARY AND ADEQUATE TO ADDRESS THE UNNECESSARY HARDSHIP PROVEN BY THE APPLICANT, AND AT THE SAME TIME PRESERVE AND PROTECT THE CHARACTER OF THE NEIGHBORHOOD, AND THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.