

**TOWN OF HERKIMER APPLICATION FOR ZONING VARIANCE OR
ADMINISTRATIVE APPEAL**

• **APPLICANT**

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: (____) _____ Fax: (____) _____ Cell: (____) _____

• **OWNER**

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: (____) _____ Fax: (____) _____ Cell: (____) _____

• **DESCRIPTION OF VARIANCE OR APPEAL REQUEST:** _____

• **TAX MAP NUMBER:** _____ **ZONED:** AG ____; COM ____; RES ____

• **PROPERTY ADDRESS:** _____

• **ATTACH SEVEN (7) COPIES OF:**

A. An accurate site plan of the property, drawn to scale, showing the following:

- 1) Property boundaries.
- 2) Existing and proposed buildings or structures.
- 3) Distance from lot lines of each existing and proposed building or structure.
- 4) Unusual physical features of the site, building or structure.
- 5) Abutting streets or roads.

B. Include completed attached use variance OR area variance sheet.

• **PETITIONER AFFIDAVIT:**

I understand that if the requested variance or appeal is granted, I am not relieved from complying with all other applicable requirements of the Town of Herkimer Zoning Ordinance or any other Town Ordinances. By signing, the applicant and owner hereby grant permission to Town of Herkimer officials and employees to enter upon the subject property for purposes of review and evaluation of this request.

• **APPLICANT'S SIGNATURE:** _____ **DATE:** _____

• **OWNER'S SIGNATURE:** _____ **DATE:** _____

Application received: _____ by: _____
(date)

Application fee of \$ _____ received _____ by _____ Check No: _____
(date)

USE VARIANCE - Applicant is seeking authorization for use of the land which otherwise would not be allowed or would be prohibited by the terms of the Zoning Local Law. Burden of proof is on applicant to demonstrate that applicable Zoning Regulations and Restrictions have caused UNNECESSARY HARDSHIP. The following factors must be proven by the applicant in order for a Use Variance to be granted.

a) Provide evidence to demonstrate that under the applicable Zoning Regulations, the applicant cannot realize a reasonable return from the property in question, provided that the lack of return is established by competent financial evidence.

b) Provide evidence to demonstrate that 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) Provide evidence to demonstrate that the requested use variance, if granted, will not alter the essential character of the neighborhood.

d) Provide evidence to demonstrate that the alleged hardship has not been self-created.

AREA VARIANCE – Applicant is seeking authorization from the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations. In order to grant an AREA VARIANCE, THE ZONING BOARD OF APPEALS must consider the benefit to the applicant if the variance is granted and detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted. The burden is on the applicant to provide evidence in support of his application for an AREA VARIANCE.

a) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by a granting of the AREA VARIANCE?

b) Can the benefits sought by you the applicant be achieved by some other method, other than an AREA VARIANCE? Please explain.

c) Is the requested AREA VARIANCE substantial? Please describe.

d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Please explain.

e) Is the alleged difficulty self created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but not necessarily preclude the granting of the AREA VARIANCE? Please explain/describe.

f) What is the minimum variance deemed necessary and adequate?
