

Request for an AREA VARIANCE
from the TOWN/VILLAGE of BEMUS POINT Zoning Board of Appeals

- I. **AREA VARIANCE DEFINED:** Persons seeking Area Variances request relief, usually of a dimensional nature, from such zoning requirements as: yard requirements, setbacks, lot coverage, frontage requirements, and density regulations. The courts have held that Area Variances may be granted upon a showing of practical difficulties.
- II. **WHEN TO USE THIS FORM:** If a person feels himself aggrieved by a decision of the Zoning Officer (e.g., Zoning Permit denied on the grounds that the proposed structure would extend into the side yard), that person is able to appeal this decision by requesting an Area Variance from the local Zoning Board of Appeals. Please return this completed form to: _____
phone _____ . If you have questions, please _____.
- III. **NAME OF APPLICANT:** _____ Phone: _____
Mailing Address _____ Town: _____
- IV. **PROPERTY IDENTIFICATION:**
Section ____ Block ____ Lot ____; Section ____ Block ____ Lot ____
Street Address _____
Town (Village) _____
- V. **PROJECT DESCRIPTION:**

- VI. **SKETCH:** Show the size of the lot, adjacent streets, position of the proposed addition or change, existing structures, etc. Additionally, show slopes or other obstructions which make it difficult to comply with the zoning law.
- VII. **REASONS FOR ZONING PERMIT DENIAL:**
A. Dimensional request (Specify) _____ requirements (Specify _____)
does not conform with section _____
B. Permit was denied _____, 20____

VIII. CONSIDERATIONS: The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not on the local Zoning Board of Appeals. The following are some considerations courts have suggested which can be used to guide the Zoning Board of Appeals in determining practical difficulties. The more complete the answers, the easier a determination will be facilitated.

A. Does the Area Variance request differ substantially in relation to the existing zoning requirements? Yes No
Comments: _____

B. If the Area Variance is allowed, will there be an increased population density creating new burdens on available public facilities and services (e.g., fire, water, sewer, roads, etc.)? Yes No
Comments: _____

C. If the Area Variance is allowed, will the resultant change in the character of the neighborhood create a substantial detriment to the adjoining properties? Yes No Comments: _____

D. Do other feasible methods exist which the applicant might wish to pursue which would achieve results similar to those sought in the preliminary request? Yes No Comments: _____

E. In view of the manner in which the difficulty arose and considering all of the above factors, will justice be served in allowing the variance? Yes No Comments: _____

IX. HEARING: A public hearing is required. Please specify which days or times are inconvenience for you or your representative to attend a hearing:

You will be notified in writing of the time and place for the hearing.

X. SIGNATURE OF APPLICANT: _____

Date _____, 19____.

Fee: \$ 25.00 Paid _____ Not Paid _____