



FORM: ZBA02

Use Variance Application

City of Newburgh, New York, Zoning Board of Appeals

123 Grand Street, Newburgh, New York 12550

Phone: (845) 569-7400 Fax: (845) 569-0096

www.cityofnewburgh-ny.gov

USE VARIANCE APPLICATION

All Variance applications must include sufficient plans and descriptive information. All Area Variance applications require form LDA01 and all information required therein, in addition to the requirements below.

PROPERTY ADDRESS: _____

The applicant must fill in all sections completely. A variance constitutes relief from the strict application of Zoning Ordinance requirements, and the Zoning Board of Appeals is required to give sound reasons, based on the information contained in this application, for granting this relief. The applicant should add as much detail as possible when completing B (1)-(6) of this application to enable the ZBA to balance the benefit of the variance to the applicant against the detriment to the health, safety, and welfare of the neighborhood or community. Attach additional information to this application as necessary.

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| <input type="checkbox"/> Denial Letter from Building Inspector: Letter communicating the Building Inspector's decision or determination that resulted in application for appeal to the ZBA. Informational Inspection Report is sufficient for this purpose. |
| <input type="checkbox"/> Statement of Financial (Economic) Evidence: Please submit competent financial evidence, as described in B(1) below, proving that the applicant cannot realize a reasonable return on the property as zoned. |
| <input type="checkbox"/> Plot Plan: Eleven (11) copies. If the use variance applied for involves any expansion of existing buildings or new construction on the site, then the applicant must submit eleven (11) copies of a complete plot plan of the proposed expansion drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot in sufficient detail to enable the zoning board to determine compliance with PART II B(1)-(4) below. |
| <input type="checkbox"/> Site Context Map: Eleven (11) copies. Please submit eleven (11) copies of a site context map showing the zoning of the parcel in question, as well as the zoning of all adjacent properties. |

FOR INTERNAL USE ONLY
Appeal Number:
Notes:



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A. SUBJECT TO APPEAL

Pursuant to Section 300-114 of the Zoning Ordinance, this application, relative to the above referenced property, constitutes an appeal from the decision or determination* of the Administrative Official of the Zoning Ordinance (the Building Inspector of the City of Newburgh).

Name of Official:

**Please attach a copy of the decision or determination appealed.*

B. USE VARIANCE REQUEST (& proof that required standards are met)

I/We, _____, hereby apply to the Zoning Board of Appeals for a variance from the following requirements of the Zoning Ordinance:

- (1) Demonstrate that the owner cannot realize a reasonable return on the property as zoned. The lack of return must be substantial and proved with competent financial evidence, which must be attached to this application. It is not enough for the applicant to show that the desired use would be more profitable than the use permitted under the zoning. What must be established is that the return from the property would not be reasonable for each and every use that is permitted under the ordinance.

INELIGIBLE HARDSHIPS

The following hardships are not hardships within the meaning of the Zoning Ordinance:



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1. The applicant, with or without knowledge of the Zoning Ordinance variance provisions, has acquired the site subsequent to the adoption of the Zoning Ordinance variance provisions.
2. The applicant has caused a self-imposed hardship by changing his circumstances after adoption of the Zoning Ordinance variance provisions. For example, the applicant, in selling a portion of a larger site, has either created a new lot that is deficient in total area or has rendered the existing larger segment on which the structure is located insufficient in yard space.

3. The applicant would realize financial advantage from a change to the site, the structure, or the use.

- (2) Demonstrate that the hardship claimed is unique to the owner's property and not applicable to a substantial part of the neighborhood. If the hardship is common to a substantial portion of the neighborhood, the remedy is to seek a change in the zoning, not to apply for a use variance.



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- (3) Demonstrate that the granting of the variance will not alter the essential character of the neighborhood. In making this determination, the zoning board considers the intensity of the proposed development as compared to the existing and permitted uses in the neighborhood.

- (4) Demonstrate that the hardship claimed by the applicant is not self-created.

C. SIGNATURES

By signing this application the applicant attests that, to the best of his or her knowledge, all information provided herein is accurate and truthful. The undersigned further agrees the subject premises may be entered and inspected by any City Staff, Board, or Commission members responsible for of the review or approval of this application.

Applicant Signature

Date