ZONING: ZBA Minutes, Use Variance Model

MINUTES
ZONING BOARD OF APPEALS
[CITY/VILLAGE/TOWN] OF [NAME OF CITY/VILLAGE/TOWN]

Appeal No. _____ Date: _____

REGARDING APPLICATION OF _____ [name of Applicant]

RE: Address of Property _____
Tax Map No. _____
Land Use District _____

At a meeting of the Zoning Board of Appeals on [date], the above-referenced appeal was considered pursuant to [City/Village/Town] Land Use Management Local Law regarding the appeal of the Applicant from a decision of the Enforcement Officer regarding:

( ) an area variance

(X) a use variance

( ) an interpretation of the zoning ordinance or zoning map

( ) an extension to a special permit

( ) special permit

After opening the public hearing, the Chairperson entered into the minutes the following:

- Affidavit of Publication in official newspaper
- Affidavit of Posting by the [City/Village/Town] Clerk
- Affidavit of Mailing the notice of the hearing to neighboring property owners
- Short EAF filed by the Applicant
- General Municipal Law Section 239 recommendation from [name of County] County Planning and Economic Development Department
- Correspondence received from _____
- [City/Village/Town] of [name of City/Village/Town] Planning Board recommendation

The following persons spoke in favor of the appeal:

_____

_____

Sample
Sample

The following persons spoke to deny the appeal:

_____

_____

After closing the public hearing, the Chairperson entertained discussion by the Board Members.

The Chairperson next brought up for discussion the environmental impact of the requested appeal.

REGARDING SEQR REVIEW:

The Chairperson noted that this was a

(X) a use variance

( ) an interpretation of the zoning ordinance or zoning map

( ) an extension to a special permit

( ) special permit

and therefore an environmental determination was required prior to taking action on the requested application.

He read the proposed SEQR Negative Declaration and inquired if the Board members were in agreement with the indicated possible adverse impacts. There being no discussion, upon motion duly made by _____ and seconded by _____, on roll call vote the attached Negative Declaration [was/was not] unanimously approved.

The Chairperson then reviewed the applicable tests for a use variance. After discussion, considering the evidence, upon motion of _____, seconded by _____, it was determined:

The applicant [has/has not] demonstrated unnecessary hardship, including all of the following for each and every permitted use in a _____ Zoning District:

- the property [can/cannot] realize a reasonable substantial return as demonstrated by competent financial evidence;
- the alleged hardship [is/is not] unique and does not apply to a substantial portion of the district or neighborhood;
- the requested variance [will/will not] alter the essential character of the neighborhood; and
- the alleged hardship [is/is not] self-created;

and the requested variance was thereupon [granted/denied].

_____

Secretary

Sample