

**Zoning Dept. Use Only**  
Approved \_\_\_\_\_  
Denied \_\_\_\_\_  
ZEO Initials \_\_\_\_\_

**ZONING BOARD OF APPEALS**

Permit #: \_\_\_\_\_  
Date of Application: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_  
Date Notice Published: \_\_\_\_\_  
Date of County Referral: \_\_\_\_\_  
Date of Final Action: \_\_\_\_\_

**USE VARIANCE FINDINGS & DECISION**

Applicant: \_\_\_\_\_

Appeal Concerns Property at the following address: \_\_\_\_\_

Tax Map: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Applicable Section of Zoning Code: \_\_\_\_\_

Permitted Uses of Property: \_\_\_\_\_

Use for which Variance is Requested:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Test: No use variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.**

- 1. The applicant can't realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial: YES NO

**Illustrations of financial evidence**

- Bill of sale for the property, present value of property, expenses for maintenance
- Leases, rental agreements
- Tax bills
- Conversion costs (for a permitted use)
- Realtor's statement of inability to rent/sell

Proof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of zoning district or neighborhood): YES NO

**Illustrations of Uniqueness**

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area

Proof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The requested use variance, if granted, will not alter the essential character of the Neighborhood: YES NO

<p style="text-align: center;"><b>Illustrations Neighborhood Character Factors</b></p> <ul style="list-style-type: none"><li>• Board members' observations of neighborhood</li><li>• Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic</li></ul>
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Proof: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. The alleged hardship has been self-created: : YES NO

<p style="text-align: center;"><b>Self-Created</b></p> <ul style="list-style-type: none"><li>• What were the permitted uses at the time the property was purchased by the applicant?</li><li>• Were substantial sums spent on remodeling for a use not permitted by zoning?</li><li>• Was the property received through inheritance, court order, divorce?</li></ul>
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Proof: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS

The ZBA, after reviewing the above four proofs, finds:

- That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.
  
- That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

**Use:** \_\_\_\_\_

\_\_\_\_\_

**CONDITIONS:** The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the following reasons:

**CONDITION NO. 1:** \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized:

\_\_\_\_\_

**CONDITION NO. 2:**

\_\_\_\_\_

Adverse impact to be minimized:

\_\_\_\_\_

**CONDITION NO. 3:**

\_\_\_\_\_

Adverse impact to be minimized:

\_\_\_\_\_

**CONDITION NO. 4:**

\_\_\_\_\_

Adverse impact to be minimized:

\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chairman of ZBA

**RECORD OF VOTE:**

Member names:

Chair: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain

Member: \_\_\_\_\_

Aye Nay Absent Abstain