

TOWN OF TUPPER LAKE ZONING BOARD OF APPEALS
FRANKLIN COUNTY, NEW YORK
120 Demars Boulevard
Tupper Lake, New York 12986
518-359-9261 (Office) 518-359-2634 (Fax)

Application for Grant of Variance

I hereby request a grant of VARIANCE from compliance with the provisions of the and Use Code of the Town of Tupper Lake, Franklin County, New York because of special conditions relating to the property described below and shown on the map attached hereto make it exceptionally difficult, if not impossible, to comply without unnecessary hardship.

Parcel ID #: _____ Zoning District: _____

Parcel Location: _____

Description of proposed variance:

This variance application meets the standards for granting variances pursuant to Article 6, Section 6.3 A (area variances) and/or B (use variances), whichever apply, of the Town Land Use Code.

Owner(s) Signature(s)

Owner(s) Name(s): _____

Address: _____

Phone: _____

Email: _____

Date: _____

Applicant(s) Signature(s)

Applicant(s) Name(s): _____

Address: _____

Phone: _____

Email: _____

Date: _____

Submit application, plans and appropriate fees (Use Variance \$150.00, Area Variance \$100.00) to the Zoning Board of Appeals, C/O Tupper Lake Planner. Please make check payable to: Town of Tupper Lake.

It is imperative that the applicant address criteria a) thru f) in the application narrative for area variances and a) thru d) for use variances.

A. Area Variances

A variance to allow a permitted or special use to be located on a property which does not conform to the area and/or dimensional requirements of the district in which it is located (See Article 3) may be granted only in the event that each and all of the following circumstances are found to exist by the Zoning Board of Appeals and are each so stated in the board's findings:

1. The strict application of area and dimensional requirements would result in specified practical difficulty to the applicant, and:
 - a. **The practical difficulty arises because of exceptional or extraordinary circumstances applying to the property and not applying generally to other properties in the same district;**
 - b. **The requested variance is the minimum variance which would alleviate the practical difficulty;**
 - c. **The difficulty cannot be eliminated by some other feasible method;**
 - d. **The requested variance will not produce a substantial change in neighborhood character and will not be materially detrimental to adjoining properties or natural resources;**
 - e. **Any increase in density will not be unnecessarily burdensome on public services and facilities;**
 - f. **In view of the manner in which the difficulty arose, and in consideration of the above factors, the interests of justice will be served by granting the variance.**

B. Use Variances

A variance to allow a use within a district other than a permitted use or special use may be granted only in the event that each and all of the following circumstances are found to exist by the Zoning Board of Appeals and are each so stated in the board's findings:

1. The strict application of the use provisions of this code would result in a specified unnecessary hardship to the applicant and:
 - a. **The hardship arises because of the exceptional or extraordinary circumstances applying to the property and not applying to the property and not applying generally to other properties in the same district;**
 - b. **The circumstances giving rise to the hardship are not of the applicant's own making;**
 - c. **The property in question cannot yield a reasonable return if used for any permitted or conditional use within the district;**
 - d. **The variance would not produce a substantial change in the character of the neighborhood and would not be materially detrimental to adjoining property or natural resources.**