

Town of Watson Zoning Board of Appeals Application for a Use Variance

Applicant Name: _____ Application Number _____

Owner name: _____ Parcel # _____

Property Address: _____

In order for the Zoning Board of Appeals to grant a use variance, the applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per General Municipal Law have been proved. Additional documentation may be included. If any one of these requirements have not been proved, the Zoning Board of Appeals must deny the variance.

Explain how the request conforms to EACH of the following requirements (additional pages may be attached).

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

“The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.”

Please provide/attach competent financial evidence.

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

“The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.”

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

“The requested use variance, if granted will not alter the essential character of the neighborhood.”

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased, the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

“The alleged hardship has not been self-created.”

Applicant Signature

Date

Provider of Financial Evidence

Date

**Town of Watson Zoning Board of Appeals
Use Variance
Statement of Income and Expense**

All entries must be completed and documented for at least two calendar years or from the date of purchase, whichever is less.

Property Address: _____

A. Property Data

1. Date property was purchased by current owner. _____

2. Was a Certificate of Occupancy issued? _____

3. Cost of Purchase _____

4. Mortgage info:

a. Amount of Mortgage _____ . Interest rate: _____

Mortgage Holder _____ Duration _____

Address _____

b. Amount of Mortgage _____ . Interest rate: _____

Mortgage Holder _____ Duration _____

Address _____

c. Amount of Mortgage _____ . Interest rate: _____

Mortgage Holder _____ Duration _____

Address _____

5. Is the property for sale? _____ If so for how long? _____

a. Asking price _____ For what use(s):

b. Have any offers been received? _____

c. If so for what amount(s)? _____

d. Summarize any attempts to sell the property

6. Present value of property _____

a. Source(s) _____

B. Gross Annual Income (Based on Permitted Use(s))

	USE	INCOME
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

TOTAL RENTAL INCOME _____

LESS VACANCY FACTOR _____

(ATTACH EXPLANATION IF GREATER THAN 8%)

TOTAL GROSS INCOME _____

C. Annual Expenses

1. Annual Fixed Charges

Real Estate Taxes _____

Insurance _____

Average Annual Interest _____

(over next 5 years)

2. Operating Expenses

Electric _____

Fuel _____

Water _____

Advertising _____

Miscellaneous (attach explanation) _____

3. **Maintenance Expenses (attach list)**

Repairs _____

General Building Maintenance _____

Yard and Ground Care _____

Miscellaneous (attach explanation) _____

TOTAL ANNUAL EXPENSES _____

Profit or Loss _____

D. Total Investment

1. Down Payment _____

2. Capital Improvements (attach list) _____

3. Principal Paid to-date (original mortgage less current principal balance)

TOTAL INVESTMENT _____

E. Rate of Return= Profit or Loss

TOTAL INVESTMENT _____

Signature of Preparer

Date

Profession of Preparer