

TOWN OF HAMMOND
BOARD OF APPEALS APPLICATION
Board of Appeals Chairperson: Dan Sweet

Application #: _____ Date: _____

Property Owner's Name: _____ Property Location: _____

Mailing Address: _____ Phone #: _____

Applicant Name: _____ Tax Map #: _____

Applicant Address: _____ Phone #: _____

Purpose of Request:

Applicant's Signature: _____

Applicant : DO NOT USE SPACES BELOW

APPLICATION FOR: (circle applicable section below)

- a) Interpretation of Zoning Ordinance or Map: _____
- b.) Variance: _____
- c.) Appeal of action of Building Inspector: _____

Request relates to the following provisions of the Land Use Law: _____

St. Lawrence County Planning Board Review: _____ Yes _____ No SEQR? _____ Yes _____ No Type: _____
Received for Review: _____ CEO _____

Local Board of Appeals Review: Interpretation/Variance/Appeal APPROVED _____ DENIED _____

Reason for Denial: _____

Date of Examination: _____ Board of Appeals Chairperson: _____

Completed Applications can be sent or delivered to : Code Enforcement Office
PO Box 219 21 S Main St
Hammond, NY 13646

Criteria for Use and Area Variances

Section 10.03 Board of Appeals

22.3. Area Variance. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the board shall consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

23. Use Variance. No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under these regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] That 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] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] That the alleged hardship has not been self-created

24. The Board of Appeals, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

25. Imposition of Conditions. The Board of Appeals shall have the authority to impose reasonable conditions and restrictions as are directly related and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.