

APPLICATION FOR A USE  
VARIANCE

**Town of Shelby**  
**4062 Salt Works Road**  
**Medina, NY 14103**

OFFICE USE ONLY

Date of Application: \_\_\_\_\_  
(Postmarked or Hand Delivered)  
Date of Public Hearing: \_\_\_\_\_  
Date of County Referral: \_\_\_\_\_  
Date of Final Action: \_\_\_\_\_  
Date of Filing of Decision with the  
Town Clerk: \_\_\_\_\_

Appeal Concerns Property at the following address:

Tax Map Section: \_\_\_\_ Block \_\_\_\_ Lot: \_\_\_\_

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

Date Applicant Acquired Property: \_\_\_\_\_

(If the applicant does not own the property, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.)

The applicant's appeal from a decision of the Zoning Enforcement Officer concerns the following:

\_\_\_\_\_ Denial of an Application for a Building Permit (Attach to Application)

\_\_\_\_\_ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: \_\_\_\_\_

Denial was made based on the following sections of Town Zoning Law(s): \_\_\_\_\_

Date of Zoning Enforcement Officer's Decision: \_\_\_\_\_

State what type of use variance you are requesting: \_\_\_\_\_

TEST: No use variance will be granted without showing by you (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. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

Proof:

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

Proof:

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

Proof:

4. The alleged hardship has been self-created:

Proof:

**Applicant:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

4/16/2008

Shelby Use Variance Application