



VILLAGE OF NYACK

Building Department
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FOR OFFICE USE ONLY

File No. _____ Date of Application _____
Planning Board Agenda Date _____ Appeal No _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
Zoning Board Agenda Date _____ Appeal No _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
If the granting of this permit is subject to conditions established by any board, please attach minutes or a copy of the decision to this application as a part of the final permanent record.

APPLICATION TO THE ZONING BOARD OF APPEALS APPEAL FOR A USE VARIANCE FROM THE ZONING ORDINANCE

ADDRESS OF SUBJECT PROPERTY _____
ZONING DISTRICT _____ SECTION _____ BLOCK _____ LOT _____
EXISTING USE/OCCUPANCY _____
OWNER'S NAME _____
ADDRESS _____ TELEPHONE _____
EMAIL _____
(IF OWNER IS A CORPORATION): NAME OF CORPORATION _____
OFFICER _____ TITLE _____

PREVIOUS APPEAL:
HAD A PREVIOUS APPEAL FOR AN INTERPRETATION OF THE ZONING ORDINANCE, OR A DETERMINATION OF THE ZONING MAP BEEN MADE WITH REGARD TO ANY ORDER, REQUIREMENT, DECISION, INTERPRETATION OR DETERMINATION OF THE BUILDING, AND ZONING INSPECTOR WITH RESPECT TO THIS PROPERTY?
 YES _____
 NO _____

DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from decision, or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant use variances authorizing a use of the land which otherwise would not be allowed, or which would be prohibited by the terms of the local law; provided that the applicant can show that the zoning regulations and restrictions cited in such appeal have caused unnecessary hardship.

Therefore, I (We), _____, do hereby appeal the decision, or determination of the Building and Zoning Inspector in regard to an application for a Building/Zoning Permit dated _____ for the premises known as _____ and; I (We) do hereby request that the Zoning Board of Appeals grant a Variance from the following provision (s) of the Zoning Ordinance of the Village of Nyack:

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____
Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____

for the following reason(s): _____

(DECLARATION CONTINUES ON THE REVERSE SIDE)

and I (We), do hereby attest that the variance requested is the minimum variance that will accomplish this purpose; and I (We), understanding that no use variance shall be granted by the Zoning Board of Appeals without proof of unnecessary hardship, hereby state that the circumstances or conditions hardship which are described herein are applicable under this appeal for a use variance; and that I (We), do hereby as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals of the following:

1. DEPRIVATION OF REASONABLE RECONOMIC USE OR BENEFIT

That under the strict application of the provisions of this local law the applicant is deprived of reasonable economic use or benefit from the property, which shall be shown by presentation to the board of competent financial evidence. **DESCRIBE SUCH UNDUE FINANICAL HARDSHIP THAT MIGHT RESULT FROM STRICT APPLICATION OF THE ORINANCE:**

(BE PREPARED TO PROVIDE FINANCIAL RECORDS SHOWING INCOME/EXPENSE OF PROPERTY (SUCH AS: ASSESSMENT, APPRAISALS, TAXES, MORTGAGES, MAINTENANCE, REPAIR, AND RENTS) AS PROOF OF UNDUE HARDSHIP.

2. UNQIUE HARSHIP

That the hardship relating to the property is unique, and does not apply to a substantial portion of the neighborhood or district in which the property is situated. **DESCRIBE HOW HARDSHIP THAT MIGHT RESULT FROM STRICT APPLICATION OF THE ORDINANCE IS UNIQUE AND WHY IT IS NOT APPLICABLE TO MOST PROPERTIES IN THE NIEGHBORHOOD OR DISTRICT**

3. HARDSHIP NOT SELF-CREATED

That the hardship has not been self-created by the needs or desires of a particular owner or tenant, or of a particular owner or tenant, or of a particular prospective owner or tenant. **DESCRIBE WHY HARDSHIP IS NOT SELF-IMPOSED:**

4. IF UNIQUE PHYSICAL CONDITIONS CONTRIBUTE TO THE HARDSHIP, ANSWER BELOW:

That there are physical conditions applying to the land or buildings for which the variance is sought, which conditions applying to the land or buildings for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title; **DESCRIBE SUCH PHYSICAL CONDITIONS:**

5. CHARACTER OF THE NEIGHBORHOOD

That the requested use variance, if granted, will not be injurious to the neighborhood, nor alter the essential character thereof. **THE VARIANCE WOULD NOT BE INJURIOUS TO OR AFFECT A CHANGE TO THE CHARACTER OF THE NEUGHBORHOOD DESCRIBE:**

SIGNATURE OF APPLICANT

DATED: _____