

APPLICATION FOR A USE VARIANCE
From the Town of Rhinebeck Zoning Law

(Office Use Only)

CASE #: _____
Date Accepted: _____
Hearing Date: _____
Date of Action: _____
Action: _____
Zoning District: _____
Planning Board Notified: _____
SEQR Determination: _____
Lead Agency: _____

TO: Town of Rhinebeck Zoning Board of Appeals

FROM: _____ (Applicant)

DATE: _____

A. Statement of Ownership or Interest:

The Applicant(s) is (are) _____ the owner(s) _____ contract vendee
_____ other of the property situated at the following address:

_____, _____, New York.
as of _____.

Tax Parcel #: _____

B. Variance Request:

Having been denied a use permit by the ZEO on _____, I (we) hereby apply
for a use variance to use the above referenced parcel of land for the following use which
is not permitted in the Zoning District by the Town of Rhinebeck Zoning Law:

C. The Four Tests:

The Law, Article XI B. 2 of the N.Y.S. Town Law, effective December 29, 2009,
requires the Applicant to meet four tests before a Zoning Board of Appeals may grant a
Use Variance. The four tests are described below. After each description is a space for
you to show how you feel you meet the test.

TEST #1: That the Applicant cannot realize a reasonable return, provided that the lack of
return is substantial as demonstrated by competent financial evidence.

TEST #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.

TEST #3: That the requested Use Variance, if granted, will not alter the essential character of the district or neighborhood; and

TEST #4: That the alleged hardship has not been self-created.

In making this request, the Applicant acknowledges that the Zoning Board of Appeals shall conduct a Public Hearing on this Application, notice of which will be provided to the Applicant, and whereas, the property owner and/or their duly appointed representative must be present to answer any questions by the Board regarding said Application at the following times:

- a. when said Application is presented to the Zoning Board of Appeals.
- b. at the Public Hearing.

Upon failure of said property owner and/or duly appointed representative to be present at said meeting, the Application will be set aside until the next scheduled meeting. If said property owner and/or duly appointed representative fail to appear before the Zoning Board of Appeals at two (2) consecutive meetings, the Application will be considered null and void. This does not, however, preclude the property owner from filing a new Application for said variance requested.

Applicant Signature

Address

Phone Number

REQUIRED ATTACHMENTS:

****This Application and required attachments and fees must be received within sixty (60) days of the date of denials/citations described below.

1. Fee of \$500.00 Non-residential (non-refundable), payable to the Town of Rhinebeck.
2. Letter of building permit denial or Zoning Enforcement Officer's letter of denial.
3. Plot plan drawn to scale, showing the parcel with all existing buildings and proposed new structures.
4. Short Environmental Assessment Form (EAF), if applicable.

Revised: 7/10
