

TOWN OF JERUSALEM, NEW YORK

Department of Code Enforcement and Administration

3816 Italy Hill Rd.

Jerusalem, New York 14418

Telephone No.: (315) 595-2284

Fax No.: (315) 305-3507

Email: ceo@jerusalem-ny.org

Website: www.jerusalem-ny.org

Application for a Use Variance

Dear Applicant:

This application for a Use Variance is hereby given to you since the Code Enforcement Officer has determined, whether verbal or in writing, that your proposed use is not permitted or special use at the applicable zoning district pursuant to the Zoning Law of the Town of Jerusalem. You have the right to submit this application as prescribed in section 267-b of the Town Law of New York State to petition the Zoning Board of Appeals (ZBA) to reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination of the Code Enforcement Officer.

The courts have set up certain tests for Use Variance applicants. These tests are standards that an applicant must meet before a ZBA may issue a Use Variance. These tests have been incorporated into law through criteria an applicant must meet before the ZBA may grant a Use Variance [Town Law §267-b (2)(b)]. The state laws provide that “[n]o such Use Variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardships.” To prove unnecessary hardship, the applicant must demonstrate to the ZBA that for each and every permitted use under the zoning 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; and
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; and
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.

The following must be completed and/or submitted to the Town of Jerusalem:

1. Completed Use Variance application signed by owner.
2. Fee(s) - \$250 application fee, \$100 fee for each additional variance (checks made payable to the town of Jerusalem)
3. Project Narrative and/or Summary
4. Site Plan or Survey (Signed and Sealed if applicable)
5. SEQRA – Full Environmental Assessment Form (EAF)
6. SEQRA – Visual Environmental Assessment Form (EAF) Addendum
7. Competent evidence to support any claims made in application
8. Agricultural Data Statement if property is located in a NYS Certified Agricultural District

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Office:

Date Received:
Tax Map #:
Fee: \$
Application #:

Paid

USE VARIANCE APPLICATION

1. Project Information:

(Type or clearly print)

Address of Project:

Zoning District:

Property Owner:

Mailing Address:

Phone Number:

Email:

Attorney Name:

Mailing Address:

Phone Number:

Email:

2. Description of Use Variance(s):

1. Proposed Use:

Requesting Variance from: Chapter:

Section:

2. Proposed Use:

Requesting Variance from: Chapter:

Section:

3. Proposed Use:

Requesting Variance from: Chapter:

Section:

4. Proposed Use:

Requesting Variance from: Chapter:

Section:

4. Acknowledgment of Owner to Reimburse the Town for any Administrative Costs:

Does the Owner understand and agree to reimburse the Town for any administrative costs incurred to review this application?

Yes

Note. Pursuant to the Code of the Town of Jerusalem, the owner is required to reimburse the Town for any administrative costs incurred to review an application. Administrative costs are defined as “those charges incurred by the Town in processing and reviewing applications or other actions pertaining to the administration and enforcement of the Code of the Town of Jerusalem including but not limited to:

- Attorney fees.
- Appraisal fees.
- Engineering fees.
- Land survey fees.
- Any other costs incurred by the Town.

5. Application Checklist:

Completed Application Signed by Owner

Application Fee(s) (Checks made payable to “Town of Jerusalem”)

Project Narrative and/or Summary

Site Plan or Survey (Signed and Sealed if applicable)

SEQRA – Full Environmental Assessment Form (EAF)

SEQRA – Visual Environmental Assessment Form (EAF) Addendum

Competent Evidence to Support any Claims made in this Application

Agricultural Data Statement if property is located in a NYS Certified Agricultural District

6. Affirmation: The Undersigned hereby attests that he or she is the owner of the property subject of this application that has been submitted to this Town. Additionally, the owner hereby certifies that the information contained in this application is accurate, true and complete to the best of his or her knowledge, and understands that false statements made in this application are subject to the applicable provisions of the Penal Law of the State of New York. Furthermore, the owner comprehends that he or she is ultimately responsible for the compliance with all local, state and federal laws regardless of any contractual agreements.

Owners Signature:

Date:

NOTE:

- ❖ As a result of filling this application, notification is given to the Zoning Board of Appeals who will then visit the property prior to their review of this application. Your Permission for this visit is implied by the filing of this application.