

New York Planning Federation
488 Broadway, Albany, NY 12207
(800) 366-6973

USE VARIANCE CRITERIA
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To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board - *unnecessary hardship*. Such demonstration includes all of the following, for each and every permitted use:

1. can not realize a reasonable return - substantial as shown by competent financial evidence;
 2. alleged hardship is unique and does not apply to substantial portion of district or neighborhood;
 3. requested variance will not alter essential character of the neighborhood;
 4. alleged hardship has not been self-created.
- If approved shall grant minimum variance necessary, and may impose reasonable conditions.

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AREA VARIANCE CRITERIA
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Balancing test - Board of Appeals shall balance benefit to applicant with detriment to health, safety & welfare of the community.

Board of Appeals shall also consider:

- ✓ whether benefit can be achieved by other means feasible to applicant;
- ✓ undesirable change in neighborhood character or to nearby properties;
- ✓ whether request is substantial;
- ✓ whether request will have adverse physical or environmental effects;
- ✓ whether alleged difficulty is self-created;

If approved shall grant minimum variance necessary, and may impose reasonable conditions.

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