Summary of USE VARIANCE CRITERIA

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.

Whiteman Osterman & Hanna
Attorneys-at-Law
One Commerce Plaza, Albany, NY 12260
(518) 457-7800

Summary of AREA VARIANCE CRITERIA

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.

Whiteman Osterman & Hanna
Attorneys-at-Law
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