

**CITY OF FLUSHING
APPLICATION FOR VARIANCE
ZONING BOARD OF APPEALS**

Applicant: _____ Phone: _____

Address: _____ City: _____ State: _____

(1.) Address where variance is requested _____

Being legally described as _____

Property is zoned: _____ Size of Parcel: _____

55-
(Parcel No.) _____

(2.) Name and address of every other person, firm or corporation having a legal or equitable interest in the property.

Name: _____ Address: _____

Phone: _____

Name: _____ Address: _____

Phone: _____

(3.) This application is to request a variance from the Zoning Code section number _____
These code section(s) cannot be strictly followed for the following reasons: (attach additional paper if required)

Attach to each application, 13 copies of a fully dimensional map at a scale of not less than 1" equals 20' identifying the land which would be affected by the variance and all abutting land within 300' and all public and private rights-of-way, and easements bounding and intersecting the land under consideration. All applications must be submitted 20 days prior to the Planning Commission meeting.

(Applicant)

TO BE COMPLETED BY CITY

Date received: _____ Tentative Date of Planning Commission Meeting: _____

Receipt number: _____ Tentative Date to schedule Public Hearing: _____

Tentative Date of Public Hearing: _____

Note: Meeting dates are subject to change.

ZONING BOARD OF APPEALS

153.1108 VARIANCES.

Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application to the following standards in a manner appropriate to the particular circumstances of such case.

B. Non-use variances

In order to approve a variance in requirements of the ordinance **other than permitted use of the land**, the applicant must demonstrate practical difficulty. To demonstrate practical difficulty, the Zoning Board of Appeals must find that all of the following standards have been met:

1. Strict enforcement of the provisions of this ordinance would cause unnecessary hardship and deprive the owners of rights enjoyed by all other property owners within the same district
2. There are conditions and circumstances unique to the property, such as an exceptional narrowness, shallowness, shape or area or topographic conditions, which are not similarly applicable to other properties in the same zoning district
3. The conditions and circumstances unique to the property were not created by the owner or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property
4. The requested variance will not confer special privilege that is denied other properties similarly situated and in the same zoning district
5. In addition to meeting the standards listed above, the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance and will not be detrimental to the public good

Please provide an answer to the following questions:

Would the strict enforcement of the provisions of the ordinance cause unnecessary hardship and deprive the owners of rights enjoyed by all other property owners within the same district?

Are there conditions and circumstances unique to the property, such as an exceptional narrowness, shallowness, shape or area or topographic conditions, which are not similarly applicable to other properties in the same zoning district?

Were the property's unique conditions and circumstances created by the owner or the owner's predecessor in title within the time following the effective date of the provisions alleged to adversely affect such property?

Explain how the requested variance will not confer special privilege that is denied other properties similarly situated and in the same zoning district.

Will the requested variance be contrary to the spirit and intent of the Zoning Ordinance and detrimental to the public good?

Please provide an answer to the following questions:

(1) How are the alleged hardships or practical difficulties, or both, exceptional and peculiar to the property, and result from conditions, which do not exist generally throughout the City?

(2) The following hardships or practical difficulties, which will result from a failure to grant the variance (The hardship or practical difficulty must be substantially more than a mere inconvenience, or mere inability to attain a higher financial return):

(3) If granted, how will this variance result in substantial justice being done considering:

- A) the public benefits intended to be secured by the Zoning Code,
- B) the individual hardships that will be suffered by a failure of the Board to grant variance,
- C) the rights of others whose property would be affected by the allowance of the variance, and
- D) will not be contrary to the public purpose and general intent and purpose of this Chapter.
