

**TOWN OF RUSH
ZONING BOARD OF APPEALS
USE VARIANCE APPLICATION**

COMPLETED BY TOWN

TAX ACCT. # _____ APPLICATION # _____
WORKSHOP DATE _____ HEARING DATE _____ FEE _____

COMPLETED BY CODE ENFORCEMENT OFFICER

Reason for denial:

Zoning Class: R-30 _____ R-20 _____ Commercial _____ Other _____

Code Enforcement Officer Signature _____ Date of Denial _____

COMPLETED BY APPLICANT

PROPERTY OWNER(S) _____

PROPERTY ADDRESS _____

PHONE _____

DATE _____ APPLICANT'S SIGNATURE _____

Briefly describe your proposed project and/or the reason for your request for a use variance.

2) Please describe why the hardship relating to the property is unique to the particular property and not shared by the other properties located in the neighborhood.

Lined area for handwritten response to question 2.

Examples of uniqueness:

- Topographic or physical features preventing development for a permitted use.

3) Please describe why the requested use variance, if granted, would not alter the essential character of the neighborhood?

Lined area for handwritten response to question 3.

Examples:

- Parking patterns/traffic
- Noise levels
- Lighting, signs, displays
- Materials Storage

4) Please describe why the alleged hardship has not been self-created by the applicant or property owner?

Lined area for handwritten response to question 4.

Examples:

- Zoning changes since property purchase.
- Substantial remodeling to property for use not allowed in that zone.

Supporting Documentation

The following documentation is required to describe your project and to help the Zoning Board of Appeals understand your situation. Please use the following checklist to verify that all necessary information has been provided. Failure to provide the following maps and drawings may result in postponement of your workshop and hearing.

- _____ Scaled map(s) of your property (instrument survey, tape location map).
- _____ All maps must contain direction North.
- _____ Boundaries and dimensions of the property must be clearly labeled.
- _____ Location of adjoining roads or right of ways.
- _____ Location of all structures on the subject property (existing and proposed).
- _____ Location of all structures on adjacent properties (all sides including opposite side of road of street).
- _____ Location of septic systems, water wells and utility services.
- _____ Architectural drawings or "reasonable" hand sketches of your proposed project (for new structures or modifications to existing structures).
- _____ Any notes that may have been written by neighboring property owners supporting or concerning your proposal.

ALL MAPS AND DRAWINGS MUST BE TO SCALE

DATE _____

OWNER'S SIGNATURE _____

DATE _____

CO-OWNER SIGNATURE _____

INSTRUCTIONS

The Rush Zoning Board is required by law to insure that requests such as yours, if permitted, will cause minimal adverse affect on the health, safety, general, welfare, and character of the neighborhood. The Board can grant only the minimum variance deemed necessary and adequate. To make a proper assessment of your request, please complete this application in full in order to help the Zoning Board of Appeals with the information needed to base their decision:

- 1) Submit the required signed application form with all questions answered in full.
- 2) Pay required processing fee.
- 3) Submit 17 copies of all supporting documentation or the Town Clerk's office will provided copies at applicants request for a nominal fee.
- 4) Attend Zoning Board of Appeals workshop on scheduled date to informally discuss your application.
- 5) Attend Zoning Board of Appeals and public hearing on scheduled date.

Applications must be submitted by 4:30PM of the last day of the previous month in order to be discussed at the next available workshop.

Process

The appeal process for a use variance can begin when the applicant is denied permission by the Code Enforcement Officer to use the property for a purpose not normally allowed in that particular zoning area.

Applications are normally discussed at a Zoning Board of Appeals Workshop before a public hearing is held. This provides an opportunity for the applicant to review their situation and supporting documentation with the Board at an informal meeting.

A sign may be posted on your property to alert neighbors and other interested parties of your public hearing.

Notices may be sent to your neighbors informing them of your public hearing.

A notice of your impending public hearing will be posted in the Town's official newspaper.

A hearing or workshop for a proposed use will not be held unless the applicant, property owner, or applicant representative are present with the required documentation on the scheduled dates.

YOUR APPLICATION CANNOT BE ACCEPTED AND SCHEDULED FOR WORKSHOP OR HEARING UNTIL THE ABOVE REQUIREMENTS ARE COMPLETED.

Adopted by Board Motion
Date: 5/13/2004