

## TESTS FOR GRANTING AREA VARIANCES

### BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

WILL BE MOVING THE HORSE STALL (SITED BUILDING)  
FROM ADJACENT PROPERTY. WILL NOT CHANGE CHARACTER  
OR DETRIMENT TO THE AREA, AS HORSE STALL IS IN HORSE FENCE.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

THERE IS NOW NO METHOD FEASIBLE TO PURSUE, TO  
KEEP OUR HORSES UNDER COVER, WHEN THE WEATHER  
IS VERY COLD OR HOT.

- (3) Whether the requested area variance is substantial.

THIS AREA VARIANCE IS REQUESTED, TO KEEP OUR  
HORSES SAFE AND HEALTHY, TO KEEP THEM SHELTERED  
DURING EXTREME WEATHER CONDITIONS.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

THIS HORSE STALL WILL NOT EFFECT OR  
IMPACT THE ENVIRONMENTAL STATE OF OUR PROPERTY  
OR OUR NEIGHBORS PROPERTY.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

WE HAVE HAD HORSES FOR THE LENGTH OF  
OUR RESIDENCE HERE AND WOULD LIKE TO  
MAILE A MORE SAFE AND HEALTHY SPACE FOR THEM.