

PREPARING YOUR STATEMENT OF HARDSHIP TOWN OF WASHINGTON, NEW YORK

To obtain an area variance, an applicant must show, to the satisfaction of the Town's Zoning Board of Appeals (ZBA), which strictly adhering to the Zoning Code's limitations on the use of his/her property, would result in an "unnecessary hardship." To this end, a written statement of hardship is included as part of the application for an area variance. In such statement of hardship, the property owner must address all criteria listed below.

In deciding whether to grant an area variance, the Town's ZBA must determine that all the following criteria are met by the proposed use of the property that is the subject of the area variance request:

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.
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.
3. Whether the requested area variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district.
5. Whether the alleged difficulty is self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance.

This area variance requested at the Hurley Residence is for a new screened-in porch. This proposed porch will replace an existing screened-in porch. The proposed enlarged screened-in porch will be for leisure enjoyment and allow for family and friends to gather. The design will not produce any undesirable changes in the character of the neighborhood or a detriment to the nearby properties. The proposed screened-in porch is setback from the front of the house and will not be seen from this road. It will create no changes in aesthetics or use of the property and the position of the expansion is in the most feasible location available to the owner.

The existing terrain of this property limits appropriate alternatives. The existing main house is land locked with hilly terrain. The existing house with the attached existing screened-in porch is already built on the limited flat area available. The side yard slopes downhill quickly, not far out from the house. Thus, the only viable and efficient option to achieve this new porch is to rebuild at the same location of the existing and enlarge. Along the flat section parallel to the slope of the hill.

The proposed location will have no adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district. It will be hardly visible and far distance away from its neighboring properties, as it is well buffered by the acreage and trees and hilly site condition.