

Application #: \_\_\_\_\_  
(For office use only)

## Town of Darien Use Variance Application

### *Statement of Unnecessary Hardship*

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Law has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §267-b of New York Town Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §267-b of New York Town Law.

Explain **how** the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

**“The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence”**

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**(Please provide / attach competent financial evidence)**

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

**“The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”**

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3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

**“The requested use variance, if granted, will not alter the essential character of the neighborhood”**

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4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

**“The alleged hardship has not been self-created”**

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**Applicant’s Signature**

**Date**

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**Provider of Financial Evidence**

**Date**

**USE VARIANCE**

**Statement of Income and Expense**

*All Entries Must be Completed and Documented for at Least Two (2) Calendar Years  
or From the Date of Purchase Whichever is Less*

**PROPERTY ADDRESS:** \_\_\_\_\_

**A. PROPERTY DATA**

1. Date property was purchased by current owner \_\_\_\_\_

2. Was a Certificate of Occupancy issued? \_\_\_\_\_

    Date of Issuance? \_\_\_\_\_

    If so, for what use(s)? \_\_\_\_\_

    If not, why? \_\_\_\_\_

3. Cost of Purchase \_\_\_\_\_

4. a) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_

    Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_

    Address \_\_\_\_\_

    b) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_

        Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_

        Address \_\_\_\_\_

5. Is the property for sale? \_\_\_\_\_

    If so, for how long \_\_\_\_\_

    Asking price \_\_\_\_\_

    For what use(s) \_\_\_\_\_

    Have any offers been received \_\_\_\_\_

    If so, for what amount(s) \_\_\_\_\_

    Summarize any attempts to sell the property

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Present value of property \_\_\_\_\_

    Source(s) \_\_\_\_\_

**B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]**

	USE	INCOME
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

TOTAL RENTAL INCOME \_\_\_\_\_

LESS VACANCY FACTOR \_\_\_\_\_

(Attach explanation if greater than 8%)

TOTAL GROSS INCOME \_\_\_\_\_

**C. ANNUAL EXPENSES**

1. Annual Fixed Charges

Real Estate Taxes (City & County) \_\_\_\_\_  
Insurance \_\_\_\_\_  
Average Annual Interest (over next 5 years) \_\_\_\_\_

2. Operating Expenses

Electric \_\_\_\_\_  
Fuel \_\_\_\_\_  
Water \_\_\_\_\_  
Advertising \_\_\_\_\_  
Miscellaneous (attach explanation) \_\_\_\_\_

3. Maintenance Expenses (attach list)

Repairs \_\_\_\_\_  
General Building Maintenance \_\_\_\_\_  
Yard and Ground Care \_\_\_\_\_  
Miscellaneous \_\_\_\_\_

TOTAL ANNUAL EXPENSES \_\_\_\_\_  
Profit or Loss \_\_\_\_\_

**D. TOTAL INVESTMENT**

1. Downpayment \_\_\_\_\_  
2. Capital Improvements (attach list) \_\_\_\_\_  
3. Principal Paid to date (original mortgage less  
current principal balance) \_\_\_\_\_  
TOTAL INVESTMENT \_\_\_\_\_  
(Sum of D1, D2, & D3) \_\_\_\_\_

**E. RATE OF RETURN = Profit or Loss**

TOTAL INVESTMENT \_\_\_\_\_

\_\_\_\_\_  
**Signature of Preparer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Profession of Preparer**