

**Zoning Board of Appeals
Non-Use Variance Applicant**



**THE APPLICANT MUST DEMONSTRATE THE FOLLOWING CONDITIONS EXIST:
This section MUST be completed.**

Practical Difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplains; exceptional topographic conditions) and strict compliance with the Zoning Ordinance standards would unreasonably prevent the owner from using the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential is not consideration for practical difficulty.

23.6.1. Public Welfare: Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to the property owners in the district. The Board must consider whether or not granting a variance will hinder Otsego County in achieving the very goals and objectives the ordinance is trying to accomplish. You should explain how your application is consistent with and does not violate the intent of the particular section(s) that apply to it; merely saying it does not, is not enough.

23.6.2. Substantial Justice: The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors and increase in the danger of fire or other activities which may endanger the public safety, comfort, morals or welfare).
