**[APPLICANT] \_\_\_\_\_\_\_\_\_\_USE *(or)* AREA VARIANCE DETERMINATION**

[board member]\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by [board member]\_\_\_\_\_\_\_\_\_\_\_\_\_\_, that the use ***(or)*** area variance requested by [applicant]\_\_\_\_\_\_\_\_\_\_ [grab from agenda?], be approved ***(or)*** denied based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. [not exact, add/remove as fits the situation at hand]
2. [applicant name]\_\_\_\_\_\_\_\_\_\_\_, the property owner appeared before the Zoning Board of Appeals at the public hearing on [meeting date]\_\_\_\_\_\_\_\_\_\_\_
3. [property owner, if not same as appeared]
4. [relevant history/appearance of site] is it preexisting nonconforming?
5. [what has been requested (including code reference? ie Section 260-??? of the Mendon Zoning Code says ???)]
6. [why it should/shouldn't be done]
7. [environmental impact (blocked views, drainage/wetlands, sewer, parking shortage, lighting, etc)]
8. [any resulting impact on code]
9. [include facts to support conclusions below]
10. No members of the public commented during the public hearing. ***(or)***

Members of the public were given the opportunity to comment during the public hearing.

1. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review. ***(or)***

This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned the following comments: ***[reference any comments, including whether any County action would require a supermajority of the ZBA]***

**CONCLUSIONS OF LAW** ***[first 5 questions for AREA, last 4 questions for USE]***

1. ***[Area]*** The requested benefit can**not** be achieved by other feasible means. ***[reasons?]*** ***(or)***

The requested benefit **can** be achieved by other feasible means. ***[reasons?]***

1. ***[Area]*** The request is **not** substantial. ***[reasons?]*** ***(or)***

The request **is** substantial. ***[reasons?]***

1. ***[Area]*** Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board

 finds the request will **not** have any adverse physical or environmental effects. ***[reasons?]*** ***(or)***

 finds the request **will** have adverse physical or environmental effects. ***[reasons?]***

1. ***[Both](expected change in Area)*** The request will **not** have an undesirable change in the neighborhood. ***[reasons?]*** ***(or)***

The request **will** have an undesirable change in the neighborhood. ***[reasons?]***

1. ***[Both]*** The difficulty was **not** self-created. ***[reasons?]*** ***(or)***

The difficulty **was** self-created. ***[reasons?]***

1. ***[Use](property value, expenses, rental, etc)*** The property owner can**not** realize a reasonable return on investment. ***[reasons?]******(or)***

Thee property owner **can** realize a reasonable return on investment. ***[reasons?]***

1. ***[Use](geographically unique)*** The alleged hardship does **not** apply to a substantial portion of the neighborhood. ***[reasons?]******(or)***

The alleged hardship **does** apply to a substantial portion of the neighborhood. ***[reasons?]***

1. This is a Type II action under SEQR ***[most likely, but could be Type I or Unlisted]***

**CONDITIONS OF APPROVAL**

1. ***[if any](must substantially match submitted paperwork?)***