**[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:

WHEREAS, [not exact, add/remove as fits the situation at hand]; and

WHEREAS, [applicant name]\_\_\_\_\_\_\_\_\_\_\_, the property owner appeared before the Zoning Board of Appeals at the public hearing on [meeting date]\_\_\_\_\_\_\_\_\_\_\_; and

WHEREAS, [property owner, if not same as appeared]; and

WHEREAS, [relevant history/appearance of site] is it preexisting nonconforming?; and

WHEREAS, [what has been requested (including code reference? ie Section 260-??? of the Mendon Zoning Code says ???)]; and

WHEREAS, [why it should/shouldn't be done]; and

WHEREAS, [environmental impact (blocked views, drainage/wetlands, sewer, parking shortage, lighting, etc)]; and

WHEREAS, [any resulting impact on code]; and

WHEREAS, [include facts to support conclusions below]; and

WHEREAS, 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; and

WHEREAS, 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 comments dated ***[insert date]***; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings: ***[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]***

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** ***(or)*** **denied** for the reasons stated above, subject to the following conditions:

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