

TOWN OF SCHUYLER FALLS
ZONING OFFICE
P.O BOX 99
Morrisonville, NY 12962
Phone: 563-1129

Application Fee: _____
Date Paid: _____

Appeal No. _____
Parcel No. _____

APPLICATION TO BOARD OF APPEALS

Name _____
Address _____

Telephone No. _____
Date _____

I (We) hereby appeal to the Zoning Board of Appeals to review the decision of the Zoning Officer on our application for a building permit, dated _____, 19__

1. Location of Property _____

2. Provisions of the Zoning Ordinance appealed, (indicate the article, section, subsection of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance.

3. Appeal is made herewith for :
 An interpretation of the Zoning Ordinance or Zoning Map
 A special permit under the Zoning Ordinance
 A variance to the Zoning Ordinance
 Use Variance Area Variance
 Sign---Also check Use or Area

4. A previous appeal has has not been made with the respect to the decision of the Zoning Enforcement Officer or with respect to the property. Such appeal was in the form of a requested interpretation
 request for a Variance a request for a special permit and was made in
Appeal No. _____ Dated _____

SIGN OFF SIGNATURE OF CODES ENFORCEMENT OFFICER

APPLICATION FOR HEARING BEFORE THE ZONING BOARD OF APPEALS
TOWN OF SCHUYLER FALLS

STATE OF NEW YORK)

ss

COUNTY OF CLINTON)

Deponent being duly sworn, says that he (she) is the owner or authorized agent for which the foregoing appeal is proposed. I further state all information is true and correct to the best of my knowledge.

Signature of Applicant

Sworn to this _____ day of _____, 20_____

Notary Public

ARTICLE 9 VARIANCE AND APPEALS

Section 900 Board of Appeals

The Zoning Board of Appeals (ZBA) shall have the authority to review and approve requests for variances, to hear appeals from a decision of the Zoning Enforcement Officer, and to decide any question involving the interpretation of a provision or definition contained in this law.

Section 910 Application

A party may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a copy of the tax map which shows the property; a map drawn to scale showing existing features and the planned variance; and other drawings or information the Board of Appeals deems necessary.

Section 920 Variance Policy

The granting of variances shall be principally for those seeking an area variance. A use variance shall only be granted if the provisions of Section 940 of this law are strictly met.

Section 930 Requirement for Area Variances

- A. Area variances may be granted where the dimensional or physical requirements of this law cannot be reasonably met, including but not limited to : minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings, size or height of signs, and screening requirements.
- B. In making its determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the board shall consider:
 - (1) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
 - (2) Whether the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (3) Whether the requested variance is substantial.

- (4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

Section 940 Requirement for Use Variances

- A. A use variance may be granted to allow land to be used for a purpose, which is otherwise not permitted by this law.
- B. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals all of the following:
- (1) For each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
 - (2) That the alleged hardship relating to the property in question is unique, and does not apply to substantial portion of the district or neighborhood.
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (4) That the alleged hardship has not been self-created.
- C. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

Section 950 Approval of Variances with Conditions

In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property, and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.