

**TOWN OF KINGSBURY – OFFICE OF CODE ENFORCEMENT
6 MICHIGAN STREET, HUDSON FALLS NEW YORK 12839
PHONE: 747-2188 EXT. 3008**

APPLICATION FOR VARIANCE FROM THE REQUIREMENTS OF THE ZONING ORDINANCE

TO THE ZONING BOARD OF APPEALS:

THIS APPLICATION FOR A VARIANCE IS MADE PURSUANT TO SECTION 280-17 OF THE CODE OF THE TOWN OF KINGSBURY.

APPLICATION DATE: _____

PROPERTY OWNER: _____

PHONE: _____

ADDRESS: _____

LOCATION: _____

TAX MAP NUMBERS: _____

ZONING DISTRICT: _____

APPLICATION IS MADE FOR A VARIANCE FROM THE REQUIREMENTS OF SECTION(S):

ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTATION IF APPLICABLE:

- 1) A DESCRIPTION OF THE SPECIAL CIRCUMSTANCES AND/OR PHYSICAL CONDITIONS WHICH DEMONSTRATE THAT PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP IS IMPOSED BY THE ORDINANCE AND DEPRIVES THE APPLICANT OF REASONABLE USE OF THE PREMISES, ADDRESSING THE SPECIFIC CRITERIA OUTLINED IN THE INSTRUCTIONS.
- 2) A SCALED SITE MAP INDICATING THE FOLLOWING: LOCATION OF SITE WITHIN THE TOWN, LOT DIMENSIONS, NORTH ARROW, LOCATION AND DIMENSIONS OF BUILDING EXISTING AND PROPOSED, SETBACK DISTANCES, PARKING LAYOUTS, PROMINENT SLOPES AND OTHER PHYSICAL FEATURES OF THE PROPERTY, LOCATION OF WATER AND SEWER SYSTEMS EXISTING AND PROPOSED, EASEMENTS AND PUBLIC ROADS, ADJACENT OWNERSHIP.

THE APPLICANT REPRESENTS FOR THE REASON SET FORTH IN THIS APPLICATION, THAT THE GRANTING OF THE VARIANCE IS NECESSARY FOR THE REASONABLE USE OF THE LAND OR BUILDING INVOLVED, AND IS THE MINIMUM VARIANCE THAT WILL ACCOMPLISH THIS PURPOSE.

DATE: _____

APPLICANT SIGNATURE: _____

OFFICE USE

APPLICATION #: _____

PUBLISHED ON: _____

HEARING DATE: _____

RESULT: _____

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INSTRUCTIONS

1. COMPLETE PORTIONS OF THE APPLICATION INCLUDING ATTACHMENTS AND ENVIRONMENTAL ASSESSMENT FORM IF REQUIRED.
2. APPLICATIONS AND ATTACHMENTS MUST BE PRINTED LEGIBLY OR TYPE WRITTEN.
3. **APPLICATION MUST BE SUBMITTED WITH TWELVE (12) 11X17 COPIES**

PLEASE NOTE: COPY FEES WILL BE ADDED TO THE APPLICATION COST IF ALL COPIES ARE NOT PROVIDED.

4. **APPLICATION FEE OF \$200.00 MUST BE SUBMITTED WITH APPLICATION.**
5. THE REGULAR ZONING BOARD MEETINGS OCCUR ON THE FOURTH THURSDAY EACH MONTH. COMPLETED APPLICATION AND FEE MUST BE SUBMITTED BY THE LAST BUSINESS DAY OF THE MONTH PRECEDING THE HEARING DATE.
6. VARIANCES ARE OF TOWN TYPES, USE OR AREA. ATTACHMENT OF THE APPLICATION MUST ADDRESS THE FOLLOWING ISSUES FOR EACH TYPE OF VARIANCE. SEE VARIANCES ON NEXT PAGE.
7. THE BOARD MEETING IS A PUBLIC HEARING, NEIGHBORS WILL BE NOTIFIED, AND THE MEETING WILL BE PUBLISHED IN THE LEGAL ADS OF THE NEWSPAPER.
8. THE BOARD OF APPEALS HAS THE AUTHORITY TO IMPOSE REASONABLE CONDITIONS ON BOTH USE AND AREA VARIANCES.
9. WRITTEN PERMISSION FROM THE APPLICANT IS REQUIRED FOR AN AGENT TO ACT ON THE APPLICANT'S BEHALF.
10. THE ZONING ADMINISTRATOR'S OFFICE IS OPEN WEEKDAYS FROM 8:30 AM TO 4:00 PM AND WILL ASSIST YOU.

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USE VARIANCE

A USE VARIANCE IS REQUIRED IN ORDER TO DEVELOP OR USE A PROPERTY IN A MANNER WHICH IS NOT PERMITTED OR IS PROHIBITED BY THE ZONING ORDINANCE. IN ORDER FOR THE BOARD TO GRANT A USE VARIANCE, CURRENT LAW REQUIRES THE APPLICANT TO PROVE UNNECESSARY HARDSHIP AND SATISFY ALL OF THE FOLLOWING CRITERIA:

- A. UNDER APPLICABLE ZONING REGULATIONS, THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION. THE DEPRIVATION MUST BE ESTABLISHED BY COMPETENT FINANCIAL EVIDENCE.
- B. THE ALLEGED HARDSHIP MUST BE UNIQUE TO THE PROPERTY, AND NOT APPLICABLE TO A SUBSTANTIAL PORTION OF THE DISTRICT.
- C. THE VARIANCE, IF GRANTED WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.
- D. THE ALLEGED HARDSHIP IS NOT SELF-CREATED.

THE ZONING BOARD MAY GRANT THE MINIMUM RELIEF NECESSARY TO ALLOW REASONABLE USE OF THE LAND IN QUESTION.

AREA VARIANCE

AN AREA VARIANCE IS A REQUEST FOR MODIFICATION OF THE DIMENSIONAL STANDARDS CONTAINED IN THE ZONING ORDINANCE. (I.E. SETBACKS, FRONTAGE, ECT.) THIS APPLIES WHEN STRICT APPLICATION OF THE REGULATIONS WOULD CAUSE PRACTICAL DIFFICULTY WHEN THE APPLICANT WISHES TO USE OR DEVELOP THE PROPERTY IN A MANNER PERMITTED BY THE ORDINANCE. IN MAKING A DETERMINATION OF PRACTICAL DIFFICULTY, THE BOARD OF APPEALS MY CONSIDER:

- A. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED.
- B. WHETHER IT IS FEASIBLE FOR THE APPLICANT TO GAIN THE BENEFIT DESIRED BY SOME OTHER MEANS OTHER THAN A VARIANCE.
- C. WHETHER THE REQUESTED VARIANCE IS SUBSTANTIAL.
- D. WHETHER THE GRANTING OF THE VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD.

THE APPEALS BOARD MAY GRANT THE MINIMUM RELIEF NECESSARY TO ALLOW REASONABLE USE OF THE LAND IN QUESTION.