

VILLAGE OF HUNTER

P.O. Box 441 ▪ 7955 Main Street ▪ Hunter NY 12442
Phone 518-263-4020 ▪ Fax 518-263-553

ZONING BOARD OF APPEALS APPLICATION

Note: Application and required supplemental materials should be submitted to the Zoning Board of Appeals at least 10 days before the next scheduled meeting.

1. Project Applicant:

(If Applicant is not the Owner of subject property, check box and submit an Owner's Authorization Form.)

Name: _____ Phone: _____

Address: _____

2. Professional Advisor (Licensed Engineer, Architect or Land Surveyor):

Name: _____ Phone: _____

Address: _____

3. Type of Application: *(check all appropriate boxes)*

Area Variance

Appeal of Code Enforcement Decision

Use Variance

Interpretation of Zoning Law and/or Map

4. Specific Section of Zoning Law from which Applicant seeks relief or an interpretation:

Section: _____ Page: _____

5. Subject Property Information:

Address: _____ Tax ID #: _____

Zoning District: _____ Total Acres: _____

6. Brief Project Description:

8. Names and Addresses of Abutting Owners and Owners across adjoining streets:

(Attach additional list, if necessary)

9. Signature of Applicant

Signature

Date

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VARIANCE REQUIREMENTS

Plot Plan

Each application for a variance shall be accompanied by a plot plan at a scale of 1" = 50' showing the size and placement of the lot and existing improvements, all yard dimensions, adjacent property owners, tax map numbers and land uses, design and location of proposed buildings, driveways, parking areas, landscaping and screening, drainage and utility systems.

SEQR

A short or long Environmental Assessment Form must be submitted unless one has been submitted to the Planning Board for Site Plan or Subdivision Review of the same project.

Variance Justification

Provide a narrative justifying the need for the requested variance *(use additional sheets if necessary)*.

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VARIANCE CONSIDERATIONS

When writing the Variance Justification narrative, the Applicant should be aware that the Zoning Board of Appeals will make its determination in accordance with the following criteria:

Area Variance Considerations

Per NYS Village Law §7-712-b(3):

The ZBA must 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. The ZBA shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

Use Variance Considerations

Per NYS Village Law §7-712-b(2):

No use variance shall be granted by the ZBA without the Applicant showing that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the Applicant shall demonstrate that for each and every permitted use under the land use regulations for the particular district where the property is located:

1. The Applicant cannot realize a reasonable return, provide that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.