

Application for Interpretation, Use Variance or Area Variance Village of Schoharie Zoning Board of Appeals

Appeal # _____
Date application received complete _____
Note: Only fill in the date when all necessary paperwork is
received from applicant. ZBA has 62 days after public
hearing to decide.

Village ZBA Use Only

Dear applicant,

- ❖ Please read through the form and then complete all the blanks.
- ❖ If an item is not applicable, write "NA".
- ❖ Attach additional sheets if necessary.
- ❖ Submit this application form along with the additional items indicated on this form.
- ❖ When this application is received complete and the Village ZBA receives all additional forms, the date received blank located at the top of the form will be filled in by the ZBA Chair.
- ❖ Incomplete applications will not be considered.
- ❖ Six paper copies and an electronic copy of all materials with each document as a separate PDF file are required.

I (We), _____, hereby appeal to the Village of Schoharie Zoning Board of Appeals a decision of the Code Enforcement Officer in which a denial was issued within the last 60 days for the following _____.

(In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.)

Therefore, I (we) request the following:

circle one (Use Variance) (Area Variance) (Interpretation) (Other) *circle one*

1. **Applicant:**

Name or Identifying Title: _____

Address: _____

Phone Number: _____

Email Address: _____

2. **Owner:**

Name or Identifying Title: _____

Address: _____

Phone Number: _____

Email Address: _____

3. **Property:**

Street Address: _____

Tax Map Parcel #: _____

Zoning District: _____

4. **Names of landowners within 500 feet of subject property (include other towns/village):**

Name: _____ Tax Map # _____

Name: _____ Tax Map # _____

Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____

NOTE: Attach additional sheets if necessary. Submit with this application business envelopes addressed and with postage for each owner indicated or evidence of mailing.

5. State Environmental Quality Review (SEQR)

If needed, the applicant is responsible for completing Part I of the applicable SEQR Environmental Assessment Form (EAF) and submitting the EAF as part of this application.

Submitted with this application in accordance with SEQR is

- () Part I of the Short Environmental Assessment Form
- () Part I of the Full Environmental Assessment Form
- () a Draft Environmental Impact Statement
- () Nothing (This proposed action is a Type II action under SEQR)

6. Reason for Appeal

a. INTERPRETATION:

Interpretation of the Land Use Law or Zoning District Boundaries is required because: _____

b. USE VARIANCE:

Under New York Village Law, a Zoning Board of Appeals can only issue a use variance under certain strict circumstances. Please answer the following questions for the ZBA to consider your use variance request:

(i) Under the Land Use Law, the applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence:

NOTE: NYS Village Law requires competent financial evidence to show that a reasonable return cannot be made for each permitted and special use in the zoning district. Refer to Table 2-6.1 of the Village Land Use Law to see what uses are permitted by right or what special uses are allowed in the district where the subject property is located. As part of this application, submit the required financial evidence to show why none of the permitted or special uses in the district will allow a reasonable return.

(ii) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the land use area or neighborhood:

(iii) The requested use variance, if granted, will not alter the essential character of the neighborhood:

(iv) The alleged hardship has not been self-created:

c. **AREA VARIANCE:**

Under New York Village Law, a Zoning Board of Appeals can only issue an area variance after weighing certain evidence. Please answer the following questions for the ZBA to consider your area variance request:

(i) 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:

(ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

(iii) Whether the requested area variance is substantial:

(iv) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or land use area or overlay area:

(v) Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the area variance:

(vi) Whether the variance granted will be the minimum variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community:

Part 2 (Zoning Board of Appeals Use Only)

1. For a complete application, did the applicant provide:

- | | |
|---|--------------------|
| a. A completed application form? | Yes___ No___ |
| b. Part I of the SEQR EAF? | Yes___ No___ NA___ |
| c. For use variance, financial evidence as indicated in #6(b)(i)? | Yes___ No___ NA___ |
| d. Electronic copies of all submissions in PDF format | Yes___ No___ |

If 'No' is checked for any of the needed above, the application should not be dated as received until the applicant has been given the chance to provide the missing information. If the applicant refuses to give information, a hearing can proceed if the applicant is aware that missing information may increase his/her chance of an unfavorable outcome.

2. Is the parcel located in a mapped floodplain? Yes___ No___

3. Is the parcel 500 feet from:

- (a) a town or village boundary?
Yes___ No___
- (b) an existing or proposed county or state road or highway?
Yes___ No___
- (c) an existing or proposed county or state park or other recreation area?
Yes___ No___
- (d) an existing or proposed boundary of any county or state-owned land on which a public building or institution is located?
Yes___ No___
- (e) a boundary of a farm operation located in an agricultural district (not applicable for area variances)?
Yes___ No___

If 'Yes' is checked for any portion of #3, the proposed action must be referred to the Schoharie County Planning Commission before making a final decision. Public hearing can be held in the meantime.

4. Did you get a copy of the written denial from the CEO? Yes___ No___

If 'No' make sure the applicant has been denied a permit to have standing with the ZBA. In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.

5. Is a recommendation from the Planning Board needed? Yes___ No___
If yes, date recommendation received:_____

6. For the public hearing, was notice placed in the newspaper, posted to the Clerk's bulletin board and on the Village website five days prior to the hearing date?
Yes___ No___

7. Prior to public hearing was a notice mailed out to all property owners within 500 feet of subject property?
Yes___ No___

8. Prior to public hearing was notice mailed to legislative body of adjoining municipalities within 500 feet?
Yes___ No___