

Application for Interpretation, Use Variance or Area Variance Town of Richmondville Zoning Board of Appeals

Appeal # _____
Date application received complete _____
Note: Only fill in date when all necessary paperwork is received from applicant. ZBA then has 45 days to make a decision.

Town ZBA Use Only

(NOTE TO APPLICANT: The Town of Richmondville has a Zoning Law that was adopted to allow for growth in the Town and to maintain the character that we all enjoy as residents and property owners. When the Code Enforcement Officer (CEO) denies an application you are applying for, it is done so because the CEO does not believe your action complies with the Zoning Law. You are entitled to an appeal of such denial through the Town Zoning Board of Appeals (ZBA). The ZBA is the only local board that can overturn a decision by the CEO. However, the ZBA must abide by New York Village Law and only allow relief under certain circumstances. This strict adherence to the Law is necessary for the benefit of all residents and to uphold the purpose of the Zoning Law. The Town of Richmondville always considers landowner comments (good or bad) about the Zoning Law.)

Dear applicant,

- ❖ Please read through the form and then complete all blanks.
- ❖ If an item is not applicable, write “n/a”.
- ❖ 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 Town 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.

I (We), _____, hereby appeal to the Town of Richmondville Zoning Board of Appeals a decision of the Code Enforcement Officer in which a denial was issued 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: _____
Telephone Number: _____

2. **Owner:**
Name or Identifying Title: _____
Address: _____
Telephone Number: _____

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 to each owner indicated with postage attached.

5. **State Environmental Quality Review (SEQR)**

The applicant is responsible for completing 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 Zoning Ordinance or District Boundaries is required because: _____

b. **USE VARIANCE:**

Under current New York Town 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 zoning law, the land or structure cannot yield a reasonable return if used only for the permitted or special uses allowed in that zoning district because

NOTE: The law requires competent financial evidence to show that a reasonable return cannot be made for each permitted and special use in the district. Refer to Section 204 of the Town Zoning Law to see what uses are permitted by right or what special uses are allowed in the district 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 plight of the applicant is due to unique circumstances and not to the general conditions of the neighborhood that may reflect the unreasonableness of the ordinance itself because

(iii) The use requested by this application will not alter the essential character of the locality because

(iv) The conditions creating the alleged hardship are not self-created and the applicant did not acquire the land, building or structure with actual or constructive knowledge that the desired use was not permitted because

c. **AREA VARIANCE:**

Under current New York Town 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) If the variance is granted, the applicant will have the following benefit:

(ii) If the variance is granted there (will) (will not) be an undesirable change in the character of the neighborhood or a detriment to nearby properties, because

(iii) The applicant (can) (cannot) attain the benefit of having the variance by any other method because

(iv) The requested area variance (is) (is not) substantial because

(v) The requested variance (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because

(vi) The alleged difficulty was not self-created because

Part 2 (For Zoning Board of Appeals Use Only)

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

- a. A completed application form? Yes___ No___
- b. Business envelopes with postage for each landowner in #4? Yes___ No___
- c. Part I of the SEQR EAF? Yes___ No___
- d. For use variance, financial evidence as indicated in #6(b)(i)? Yes___ No___

If 'No' is checked for any of the above, the application should not be dated as received until the applicant has been given the chance to provide the missing information. If applicant refuses to give information, a hearing can proceed as long as 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 actually been denied a permit in order 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 it is received:_____

6. For the public hearing, was notice placed in the paper ten 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___