



Zoning Board of Appeals

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TOWN OF ROSENDALE
Zoning Board of Appeals
AREA VARIANCE APPLICATION

This Section for Zoning Board of Appeals Office Use Only

Application # : _____

Applicant Name: _____

Date Received: _____

County Referral: _____

Variance Issued: _____

Date of Decision: _____

1. ALL APPLICATIONS: Please read and complete the enclosed application for use variance with as much detail as possible. Make sure to answer all relevant questions. **Do not leave any blanks unless the question is not applicable (please notate with N/A if not applicable).** All applications must be accompanied by detailed diagrams showing lot size, adjoining roads, driveways, the location and dimensions of all buildings including building heights and the distance of all buildings from all lot boundaries.

Example of items that may be enclosed in support of the application:

- (a) Property card (Assessor's records)
- (b) Tax records
- (c) Appraisal
- (d) Business records (Maintenance costs, tax records/returns, utility bills)
- (e) Renovation documents (if applicable)
- (f) Business proposal (if applicable)
- (g) Photos
- (h) Survey map of property
- (i) Neighborhood letter of support (if applicable)
- (j) Map/photos/layout of neighborhood
- (k) Purchase documents

2. AREA VARIANCE: An area variance is a variance granted by the ZBA that allows a structure to be built and/or renovated despite the fact that certain square footage, distance or dimensional requirements of the zoning ordinance would not be met. Examples of such requirements are minimum lot size requirements, minimum lot width requirements, minimum lot coverage requirements, maximum lot coverage requirements, front, side and/or rear yard setback requirements, maximum building height and minimum gross floor area. An area variance may be granted upon a showing of practical difficulties, which include a significant economic injury, for the property owner.

3. STANDARDS: Please make sure to answer all questions in detail. You must clearly demonstrate that:

- (a) the applicant will suffer a significant economic injury unless the area variance is granted. The purchase price of the property and the value of the property as zoned are relevant. *This burden is not met by a showing of what the property would be worth if the area variance were granted;*
- (b) the requested variance will not produce an undesirable change in the character of the neighborhood. If the applicant can prove that a significant economic injury will be incurred, the ZBA may balance the applicant's significant economic injury against the potential harm which granting the area variance might have on the Town's zoning pattern. This balancing process, however, will only be implemented upon a showing by the applicant of a significant economic injury;
- (c) no detriment will be created to nearby properties. If the area variance will create a substantial detriment to adjoining properties then it may be denied;
- (d) there was no other feasible method available to you to pursue in order to achieve the benefit you seek other than the requested variance. The ZBA will consider whether the difficulty can be eliminated by a method other than the requested variance;
- (e) the requested area variance is not substantial;
- (f) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (g) the variance is the minimum necessary to grant relief from your difficulty. The ZBA may grant the least relief, or smallest variance, necessary to relieve the practical difficulties.

Date: _____

1. Applicant(s): _____

2. Contact Person: (if not shown in #1) _____

3. Address: _____

4. Phone: _____ E-Mail: _____

5. Address where variance is requested: _____

Tax Map #: _____ Zoning District: _____

6. Property Owner (if different than applicant): _____

(If the applicant is not the property owner a notarized statement giving authorization to the applicant must be obtained from the property owner and submitted with this application.)

7. Date property acquired by applicant: _____

8. If the area variance is granted, will the applicant be performing the changes? Yes No

9. If not, please provide the name, address and phone number of the contractor(s):

10. Please describe in detail the changes you plan to make on the premises (be specific): _____

11. Please explain how you will suffer a significant economic injury unless the area variance is granted: _

12. Please provide the following information to support how you will suffer a significant economic injury:

(a) Amount paid for the property in question: _____

(b) Date of purchase of the property: _____

(c) Present market value of the property or any part thereof: _____

(d) Basis upon which the present market value of the property (from (c) above) was obtained: _____

(e) Assessment and amount of taxes on the property in issue: (if applicable) _____

(f) Amount of mortgages and other encumbrances: (if applicable) _____

(g) Income from the land in issue: (if applicable) _____

(h) Any other relevant facts particular to the facts of the case: _____

13. Please explain why the requested variance will not produce an undesirable change in the character of the neighborhood: _____

14. Please explain why no detriment will be created to nearby properties: _____

15. Please explain the reasons why there is no other feasible method available to you to pursue in order to achieve the benefit you seek other than the requested area variance: _____

16. Please explain why the requested area variance is not substantial: _____

The following question cannot be left blank or answered N/A

17. Provision(s) of the Zoning Law Appealed :

(Include Article, Section, Subsection and Paragraph):

For information on The Town of Rosendale Code visit TownofRosendale.com

Additional comments:
