



**Town Of Rosendale
Zoning Board of Appeals**

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AREA VARIANCE APPLICATION

This Section for Zoning Board of Appeals Office Use Only

Application #: _____

Applicant Name: _____

Location: _____

Date Received: _____

Application fee received: _____

Public Hearing Notice: _____

County Referral: _____

Variance Issued: _____

Date of Decision: _____

Final Fee's received: _____

1) **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 for the property owner.

2) **APPLICATION:**

Please read and complete the enclosed application for Area 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 other items that may be enclosed in support of the application:

- Property card (Assessor's records)
- Business proposal (if applicable)
- Photos
- Survey map of property
- Neighborhood letter of support (if applicable)
- Map/photos/layout of neighborhood

➤ **The application and any/all documents included with it must be submitted in multiple copies: (1) Original + (6) Copies = Total of 7**

3) **STANDARDS**

The Board will review the following for each application:

- (a) whether the benefit can be achieved by other means feasible to applicant
- (b) the requested variance will not produce an undesirable change in neighborhood character or detriment to nearby properties
- (c) whether the requested area variance is substantial
- (d) whether request will have adverse physical or environmental effect or impact
- (e) whether alleged difficulty is self-created

4) **Environmental Assessment Form (EAF) – Part 1**

Environmental Assessment Form (EAF) pursuant to the N.Y.S. Environmental Quality Review Act (SEQRA). An EAF is a form or forms filled out by the applicant for the purpose of aiding the board in both classifying your project as a Type I, Type II or Unlisted action under SEQRA and in the determination of significance of the impact your project will have on the environment. Whether a short or long form is required is dependent upon whether the application is classified as “Type I” or “Unlisted.” Type I actions usually includes large scale projects that could potentially have a significant adverse impact on the environment and may, at the discretion of the board, require that an Environmental Impact Statement (EIS) be prepared. Type II actions are not subject to SEQRA review and usually require only a Short Form EAF and can include actions such as maintenance projects, in-kind replacement projects, single unit residential dwelling construction on an existing parcel and area and lot line variances. A comprehensive list of SEQRA classifications can be found on the New York State Department of Environmental Conservation website.

- The SEAF Part 1 can be found at: <http://www.dec.ny.gov/permits/6191.html>
- The form must be completed on the DEC website, printed out, signed and dated. Copies of the original signed form must be submitted with the application.

5) **Letter of Affidavit:** If the applicant is not the property owner or multiple properties are involved in the application a notarized statement giving authorization to the applicant must be obtained and submitted with this application.

6) **Area Variance Fee’s:**

Application Submission Fee: \$100

Area Variance Fee: Non-Residential - \$200.00 Residential - \$125.00

Other Fee’s:

Reimbursement fees - Review of applications includes a Public Hearing with notices that must be sent by certified mail and newspaper posting. These reimbursement fees are evaluated after a public hearing is set and certified mail is sent.

Escrow - \$100.00 Escrow fee for each application can be established. This is for the public hearing notification certified mail and newspaper public posting cost instead of a reimbursement fee.

APPLICATION # _____

Area Variance Application

Date: _____

1. Applicant Name (s): _____

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

3.Address: _____

4. Phone: _____ Cell: _____

5. Email: _____

6. Address where variance is requested: _____

7. 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.)

8. Tax Map Number: _____ - _____ - _____

9. Zoning District Classification (circle one): A A-1 R-1 R-2 R-2A B1 B2 I1

10. If the area variance is granted, will the applicant be performing the changes?

Yes No

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

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

13. Any other relevant facts particular to the facts of the case:

14. Please explain why the requested variance will not produce an adverse physical or environmental effects:

15. Please explain why no change in the neighborhood character or detriment will be created to nearby properties:

16. Please explain the reason 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:

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

18. Is the alleged difficulty self-created? :

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

- Include Article, Section, Subsection and Paragraph
- For information on The Town of Rosendale Code visit TownofRosendale.com

** This question cannot be left blank or answered N/A*

Additional Comments:
