

TOWN OF STUYVESANT
VARIANCE APPLICATION SUBMITTAL CHECKLIST

___ Completed Zoning Board of Appeals application obtainable from the Zoning Enforcement Officer

___ Copy of the Zoning Use or Building Permit that was denied. This must contain the Zoning Enforcement Officer's reason for denial and signature.

___ A plot plan drawn to scale showing the following:

1. All boundary lines and dimensions.
2. All structures, whether existing or proposed, including dimensions
3. Driveway location
4. Well & Septic Field locations
5. Setbacks of all structures, existing and proposed, driveways, wells, septic fields, sign locations and off-street parking areas
6. The names of all abutting landowners

___ A copy of the deed and survey map for the parcel in question.

___ A list of the names and addresses of all property owners within 300' of the parcel's boundaries

___ A completed short/long form Environmental Assessment Form available from the Zoning Enforcement Officer

___ Any information deemed necessary by the applicant to justify the issuance of the variance.
(See next page for the statutory Standards for the Issuance of Use and Area Variances)

Applicant's Name: _____

Address _____

Telephone Number: _____

Signature: _____ Date: _____

STATUTORY STANDARDS FOR THE ISSUANCE OF USE & AREA VARIANCES

Section 267-b of General Town Law permits the local Zoning Board of Appeals (Z.B.A.) to grant waivers from the strict application of the Zoning Ordinance provisions. However, this relief by law can only be issued under hardship of practical difficulty situations. The following information outlines the tests that must be met before you, as an applicant, would be eligible for a variance. Supporting documentation to these tests **must** be included in your application submitted.

If a use variance is being requested:

The applicant must demonstrate to the Z.B.A. that each and every permitted use under the zoning regulations for the particular District in which the parcel is located, that:

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

If an area variance is being requested

The Z.B.A., in making its determination shall take into consideration the benefit to the applicant if the variance is granted, as weighed against any identified detriment to the health safety and welfare of the community. It shall also consider:

- Whether an undesirable change will be produced in the character of the community or a detriment to nearby properties will be created;
- Whether the benefit sought can be achieved by some other feasible method;
- Whether the variance is substantial in nature;
- Whether the variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or District; and
- Whether the alleged practical difficulty was self-created.

APPLICATION TO THE ZONING BOARD OF APPEALS

Applicant's Information

Name: _____ Phone No. _____

Address: _____

[I] [We] do hereby appeal the decision or the determination made by the [Zoning Enforcement Officer (ZEO)] or the [Building Inspector (CEO)] dated _____, whereby an application was

[denied] [approved] for a: Zoning or Use Permit
 Certificate of Occupancy, or
 A Notice of Violation was issued for the following:

Location: _____ Date Acquired: _____

Tax Map # _____ Zoning District: _____

Type of Appeal: Area Variance Use Variance Interpretation

Complete the following if applying for an Area Variance

Will an undesirable change of the community or a detriment to the community be created if the variance is granted? Yes No. If yes, explain how: _____

Can the benefit sought be achieved by some other feasible method? Yes No If yes, explain:

Is the variance requested substantial in nature? Yes No

Please explain: _____

Will the variance, if granted, have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No Please explain: _____

Was the alleged difficulty self-created? Yes No

Please explain: _____

Complete the following if applying for a Use Variance

A reasonable return from the parcel cannot be realized because: _____

(attach pertinent financial information: tax bills, mortgage payments, renovation costs, etc.)

Show what unique features are present on/in the parcel or structure that are not present on other similarly zoned parcels or lots: _____

Show how, if granted, that the use variance will not alter the essential character of the neighborhood:

Show why the alleged hardship was not self-created: _____

Complete the following if applying for an Interpretation

Section of the Ordinance which you believe was misinterpreted by the Z.E.O.: _____

Explain why you believe the decision or determination of the Z.E.O. was incorrect:

(attach additional sheets if necessary)

Signature: _____ Date: _____

FOR Z.B.A. USE ONLY

Date Received: _____ Hearing Date: _____

Decision: _____

Conditions: _____

