

VILLAGE OF FORT EDWARD AREA VARIANCE INSTRUCTIONS & APPLICATION

ALL APPLICATIONS:

- Please 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 place 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.
- It is the sole responsibility of the applicant to provide the Zoning Board of Appeals (ZBA) with one original and nine (8) copies of the application and all necessary information and documentation concerning this application.
- The ZBA will make its determination solely on the basis of the information and material that it is provided; therefore, the burden of proof is on the applicant to prove the necessity of the request.
- There is **\$65.00** filing fee with the submission of each application. This fee is not refundable once presented to the ZBA and shall not be used to cover any other fee, permit, etc.
- Unless otherwise specified by the ZBA Board, a decision on any variance shall expire if the applicant fails to obtain any necessary permit or comply with the conditions of such permit or fails to file an extension request within 1 year from the date of authorization thereof.

Before work is started, please obtain a permit from the Code Enforcement Office. Please be advised that construction must comply with all regulations of the Village of Fort Edward Code and the New York State Uniform Fire Prevention and Building Code.

The ZBA meets the **third Wednesday** of every month (barring holidays) and all applications must be submitted, along with the fee, on or before the first business day of that month. Please confirm deadline dates with the Code Enforcement Office. The completed application and fee is submitted to the Village of Fort Edward, Building & Code Enforcement, 118 Broadway, P.O. Box 345, Fort Edward, NY 12828.

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

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, which include a significant economic injury, for the property owner.

2. 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 City'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.

In making its determination, the ZBA will take into consideration the benefit to you if the area variance is granted as weighted against any detriment to the health, safety and welfare of the neighborhood or community.

3. SELF-CREATED HARDSHIP

Although not an absolute bar to an area variance request, if the situation, which necessitated the request, is self-created, it is a factor, which may be taken into consideration by the ZBA against the granting of an area variance.

The Village of Fort Edward will meet with the property owner, if desired, to help prepare/explain the application process. Should you require assistance, please contact:

Dave Armando, Code Enforcement Officer
118 Broadway, P.O. Box 345
Fort Edward, NY 12828
(518) 502-4146
code@villageoffortedward.com

AREA VARIANCE APPLICATION

Date _____
Applicant (s) _____
Address _____
Phone (Mobile) _____ Phone (Home) _____
Location of property where variance is requested _____
Property Owner * *(if different than applicant)* _____
** If Applicant is not the property owner a Letter of Authorization must be submitted with application.*
Date Property Acquired by Applicant _____ Tax Map No. _____

If area variance is granted, will applicant perform the work Yes No
If not, provide the name, address & phone of contractor(s).

Please describe in detail, the changes you plan to make on the premises.

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

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

- (a) Amount paid for the property in question _____
- (b) Date of purchase of the property _____
- (c) Current 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 *(if applicable)* _____
- (f) Amount of mortgages and encumbrances *(if applicable)* _____
- (g) Income from the land in issue *(if applicable)* _____
- (h) Any other relative facts particular to this case _____

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

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

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

Please explain why the requested area variance is not substantial.

I/We hereby consent to allow members of the Zoning Board of Appeals, upon reasonable notice to me/us, the right of access to my/our property for the purpose of viewing and inspecting the proposed area variance, which is a subject matter of the proceeding herein before the Zoning Board of Appeals

I/We certify the information submitted with this application for area variance is true to the best of my/our knowledge and belief.

Signature/Date of Applicant(s) _____

Signature/Date of Applicant(s) _____

State of New York ss:
County of

Sworn to before me this _____ day of _____

Notary Public Signature

PLEASE READ CAREFULLY

Please use the attached sheet of paper if you require further space clearly indicating which question you are answering. Remember that it is the sole responsibility of the applicant to provide sufficient information and documentation concerning this application. Because the determination is made solely on the basis of information provided to the ZBA, it is to the applicant's benefit to include as much supporting information as possible.

Additional Information