



Variance Application

City of Schenectady – Department of Development

Room 14, City Hall, 105 Jay Street, Schenectady, NY 12305

For further information, please contact the Zoning Officer at [518-382-5049](tel:518-382-5049)

Application Notes

A variance is a form of relief granted by the Board of Zoning Appeals to an applicant, from the strict application of land use regulations and lot development standards specified within the City Zoning Ordinance.

- 1) A "**Use variance**" is the authorization by the Board of Zoning Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- 2) An "**Area variance**" is the authorization by the Board of Zoning Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

The burden of proof for all applications is placed on the applicant, who should be prepared to describe the application, state the necessity for the application and show compliance with the applicable tests for approval at the time of the public hearing.

Imposition of conditions: The Board of Zoning Appeals has the authority when granting either a use variance or area variance, to impose such reasonable conditions and restrictions that are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance and local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

REQUIREMENTS FOR ALL APPLICATIONS

A complete submittal consists of the following forms and materials. Except when otherwise specified, **9 copies** of each form and item should be collated into packets no larger than 8½" by 11". Additional information may be requested.

- | | |
|---|--|
| <input type="checkbox"/> Area or Use Variance Application | <input type="checkbox"/> Site Plan Drawings |
| <input type="checkbox"/> Owner Consent Form | <input type="checkbox"/> Environmental Assessment Form |
| <input type="checkbox"/> Photographs of Property | www.dec.ny.gov/permits/6191.html |



Owner Consent Form

City of Schenectady – Department of Development

Room 14, City Hall, 105 Jay Street, Schenectady, NY 12305

For further information, please call 518-382-5147

Application Notes

The Owner Consent Form is required for the following Applicants:

1. The Applicant is not the owner of record for the subject parcel(s);
2. The property has multiple owners (requires signature from each owner of record); or
3. The Applicant is a corporation or other entity (requires a signatory).

Property Address: _____ Tax Map ID: _____

Property Address: _____ Tax Map ID: _____

Property Address: _____ Tax Map ID: _____

AGENT/APPLICANT INFORMATION

Name: _____ Address: _____

City, State, Zip: _____

OWNER AUTHORIZATION

I, _____ (name), as _____ (owner/title), of (company/property), _____ swear or affirm under penalty of perjury, that I am the owner or authorized representative of the owner(s) of the property and that:

I hereby give consent to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the attached application.

Furthermore, I hereby give consent to the above referenced party to agree to all terms and conditions which may arise as part of the approval related to this application.

I hereby certify that I have the authority to execute this consent form and any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

Name (Print): _____

Title: _____

Signature: _____

Notarization

SUBSCRIBED AND SWORN TO (or affirmed) before me this ____ day of _____ 20__ by _____.

He/she is personally known to me or has presented identification.

Notary Public/Commissioner of Deeds

2. **Reasonable Return.** Demonstrate to the Board of Zoning Appeals that for every use permitted by the Zoning Code for the district in which the property is located that the property cannot yield a reasonable return. Provide competent financial evidence:

3. **Unique Circumstances.** Describe how the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the zoning district or neighborhood:

4. **Character of Neighborhood.** Describe how the proposed use would not alter the essential character of the neighborhood if the variance is granted:

5. **Self-Created Hardship.** Describe how the alleged hardship is not self-created. Explain how the hardship arose and why it could not be reasonably foreseen prior to the purchase of the property (purchasing property without checking to see if the existing or proposed use is legal under zoning is a self-created hardship):

Disclosure Affidavit _____

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): _____ Date: _____

Property owner or applicant signature: _____

Office Use Only _____

Date Application Received: _____ Application#: _____

Internal Checklist:

- | | |
|--|--|
| <input type="checkbox"/> Use Variance Form | <input type="checkbox"/> Environmental Assessment Form |
| <input type="checkbox"/> Site Plan Drawing | <input type="checkbox"/> Fee |
| <input type="checkbox"/> Site Photo(s) | |

Date of Decision: _____

- Approved Approved with Modifications Disapproved