



Area Variance Application

City of Schenectady – Department of Development

Room 206, City Hall, 105 Jay Street, Schenectady, NY 12305
For further information, please contact the Department of Development at 518-382-5147

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.

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, show compliance with the applicable tests for approval at the time of the public hearing and provide all necessary supplemental documents. It is highly recommended that an attorney or land use consultant is spoken with for all applications.

Further information on the reasoning for, and the criteria needed to grant a use variance can be found by searching "Guidelines for Applicants to the Zoning Board of Appeals by James Coon"

Each application is only valid for one (1) variance. Each additional variance will require it's own application.

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 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 | |



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Applicant Information _____

Property Owner Name(s): _____

Address: _____ City: _____ State: _____ Zip: _____

Phone Number: _____ Email: _____

Property Information _____

Address: _____ Section, Block, Lot: _____

Zoning District: _____ Section of Ordinance: _____

How were you referred to the BZA? 1) Appeal of written determination from City official

2) Referral from Planning Commission

IF YOU WERE NOT REFERRED BY EITHER OF THE ABOVE ENTITIES YOU MAY NOT APPLY FOR A ZONING APPEAL

A **typed** statement defining each of the below criteria (background information and area variance criteria) will be required and attached with submission. Please start your responses on page 4.

Area Variance Background Info _____

Please elaborate on the following items. These items will not factor into the Board’s decision in granting a variance and are solely for background information

1. **Project Description.** Briefly describe the proposed project.
2. **Variance Description.** Specifically state the nature of the variance requested. Explain in detail what level of relief is sought by this variance.

Area Variance Criteria _____

Consideration of each of the following criteria shall be relevant to the decision of the Board but none shall necessarily prohibit the granting of the variance.

1. **Character of Neighborhood.** Explain why the requested variance will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties if it is granted.
2. **Alternative Means.** Describe whether the benefit you seek can be achieved by some other feasible method, other than an area variance. If not, explain why there are no other alternatives to achieve the benefit sought.
3. **Substantial.** Describe whether or not the requested variance is a substantial or a significant deviation from the current standards.
4. **Impact on Environment.** Describe whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood (e.g., noise, odor, traffic, drainage among others).
5. **Self-Created Difficulty.** Explain whether or not the need for the variance is self-created.

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"/> Area 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

VARIANCE CRITERIA RESPONSES:

