

## Use 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.

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.

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.

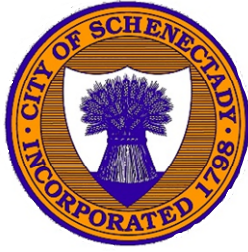
Further information on the reasoning for, and the criteria needed to grant a use variance can be found by searching "Guidelines for Applicants to the Zoning Board of Appeals by James Coon"

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 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          |  |



# Use Variance Application

## City of Schenectady – Department of Development

Room 206, City Hall, 105 Jay Street, Schenectady, NY 12305

### 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 **ALL** of the below criteria (background info and use variance requirements) will be required and attached with submission. Please start your responses on page 4.

### Use 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.

**Use Variance Requirements**

---

ALL of the following criteria are necessary for the granting of a use variance. Failure to comply with any given one will result in a failure of the use variance application.

- 1. 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. Concrete dollars and cents evidence is needed to prove reasonable return.
- 2. 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.
- 3. Character of the Neighborhood.** Describe how the proposed use would not create an undesirable change in the neighborhood if the variance were granted.
- 4. 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

**VARIANCE CRITERIA RESPONSES:**





