



Supervisor: (845) 688-7165
Police: (845) 688-9902
Town Clerk: (845) 688-5004
Justice Court: (845) 688-5005
Assessor: (845) 688-5003
Assessor Fax: (845) 688-5708
ZBA/ZEO/Planning: (845) 688-5008
Highway: (845) 688-9901
Fax: (845) 688-7041

"The Heart of the Park... Where the Eagle Soars"

www.shandaken.us

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

APPLICATION FOR USE VARIANCE

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

Name

Name of Owner if other than Applicant

Mailing Address

Mailing Address

City/State/Zip

City/State/Zip

Contact Number

Contact Number

Email Address

Email Address

Property Information

Section _____ Block _____ Lot _____ Zoning District _____ Size _____ acres

Physical address: _____ Flood Zone: [] Yes [] No

Parcel is located on a _____ TOWN _____ COUNTY _____ STATE _____ PRIVATE road.

Is the parcel located within 500 feet of any County or State road or property? _____ yes _____ no

Is the parcel located within 100 feet of any mapped water course? _____ yes _____ no

Existing Use/Occupancy: _____

Proposed Use/Occupancy: _____

Describe the nature of the variance you are requesting:

CRITERIA FOR THE ISSUANCE OF A USE VARIANCE

No use variance may be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each permitted use under the zoning regulations for the particular district in which the property is located:

Each of the four listed criteria must be answered by the applicant with a narrative.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence:

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood:

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

4. The alleged hardship has not been self-created:

Any supporting documents should be submitted as a part of the application to the Zoning Board of Appeals.

Attachment – Plot Plan

Section: _____ Block: _____ Lot: _____

Location of lot: _____

Note: The plot plan drawn above must show the configuration of the lot showing ALL structures on the parcel and giving the dimensions of each structure and, most importantly, the setbacks of each structure from the property lines (front, rear, and sides.) The sketch MUST BE DRAWN TO SCALE. Indicate the name and placement of the road(s) for purposes of identification.

If you are submitting a professionally drawn sketch plan or preliminary plat, please check [] here and submit a minimum of six (6) copies of the drawing.

At least 10 days prior the Zoning Board of Appeals meeting the following will be submitted to the Zoning Office:

- 1. Six (6) copies of the application and all supporting documents
- 2. Six (6) copies of the plot/site plan detailing the proposed project and giving a diagram of the property showing all the existing and proposed buildings/structures, indicating the setback dimensions from each property line, stream, road, right of way, and other buildings/structures on the property.
- 3. A PDF copy of application, supporting documents, and plot/site plan.
- 4. Application fee: **\$125 per use variance being requested.**

Once your complete application is submitted to the Zoning Department, it will be scheduled for a PRELIMINARY HEARING, during which time the applicant will present their case to the Board of Appeals. The Board will review the application and all supporting documents, and if all requirements have been met, the applicant will be scheduled for a PUBLIC HEARING, usually at the next regular monthly meeting of the Board of Appeals. During the intervening period, the Zoning Office will notify the applicants abutting and adjacent property owners of the pending application and public hearing date. The cost of notifying the abutting and adjacent property owners via certified mail will be the responsibility of the applicant regardless of the Boards decision.

STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above-described property, hereby apply for approval of the proposed variance in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Zoning Officials and their authorized representatives. Fees are due and payable to: Town of Shandaken upon submission of the application.

Signature(s) _____

Date _____