

TOWN OF GLENVILLE
AREA VARIANCE
INSTRUCTIONS AND APPLICATION

(Please read thoroughly)

A. DEFINITION

An area variance is a mechanism which allows an individual to build on his/her property in a way that is otherwise prohibited by the Zoning Ordinance. Typically, an area variance is sought by an individual wishing to waive one or more dimensional standards such as front, rear and side yard setback requirements, maximum lot coverage requirements, minimum lot width regulations, minimum parking space requirements, etc.

B. PURPOSE

Due to peculiarities of a particular parcel of land (i.e., rock outcroppings, odd-shaped parcel, excessively steep slopes, etc.), there may be instances where it simply is not possible or practical to build on a parcel without violating certain dimensional zoning regulations. By applying to the Zoning Board of Appeals (ZBA) for an area variance, a relief mechanism is provided to address these "peculiarities".

C. REVIEW CRITERIA

In evaluating an area variance application, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the ZBA shall apply the following criteria or "tests".

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
2. Whether the applicant can achieve his goals via a reasonable alternative which does not involve the necessity of an area variance.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by Zoning Code.
4. Whether the area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether there has been any self-created difficulty.

D. APPLICATION & MEETING PROCEDURE

1. **Application Submission Date:** An application for an area variance, including supporting materials, and a site plan, must be submitted to the Town Building Inspector at least twenty-one (21) calendar days prior to the next regularly scheduled ZBA meeting, no later than 3PM. Providing the applicant files a complete application within the prescribed time frame, he/she will be placed on the agenda. If not, the applicant must wait until the following regularly scheduled ZBA meeting.
2. **Meeting Schedule:** The ZBA meets on the fourth (4th) Monday of each month at 7:00PM at the Glenville Municipal Center. The applicant, or a representative of the applicant, shall be present at this meeting in order to address issues and questions raised by the Board.

3. **Decision Timeframe:** Following a public hearing and review of the area variance proposal at the ZBA meeting, the ZBA shall act within sixty-two (62) calendar days of the hearing date. In deciding on the area variance request, the ZBA may approve, approve with modifications or disapprove the variance. In addition, the ZBA may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the variance as is determined necessary to secure compliance with the Zoning Ordinance, and to minimize any adverse impacts on the neighborhood or community. Failure of the ZBA to act on a complete application within sixty-two (62) days shall constitute an approval. However, this time period may be extended by mutual consent of the applicant and ZBA.

E. MATERIALS TO BE SUBMITTED BY THE APPLICANT

Collated application packets with folded maps and documents must include:

- Nine (9) copies of a completed application form signed by the property owner(s), as attached. If the property owner will be designating a representative to act and make decisions on their behalf, the Authorization to Make Application form must be submitted.
- Nine (9) copies of a site plan or map and all supporting documentation (see Section F for required site plan details). A professional survey may be required for residential applications. A professional survey is required for all commercial variance applications.
- The application fee:
 - Residential: \$150 for the first area variance plus \$50 for each additional area variance request.
 - Commercial: \$250 for the first area variance plus \$50 for each additional area variance request.

F. SITE PLAN CHECKLIST

- ❖ Size: Drawn no smaller than 50 feet to 1 inch
- ❖ Location Map: Approximate location of site in relationship to adjacent roads, intersections, and landmarks. Preferably the location map will be illustrated as an inset on the site plan.
- ❖ Title Block: Title of drawing/project, name and address of applicant, and date the plan/map was prepared and/or revised
- ❖ North arrow and scale
- ❖ Boundaries of the property, plotted to scale and dimensions noted
- ❖ Existing watercourses and direction of flow
- ❖ Location and names of existing and proposed streets
- ❖ Ownership and zoning of all abutting properties, and of properties directly across the street or road
- ❖ Septic System Location: location of existing and/or proposed systems on property and setback distances from lot lines and existing and proposed structures
- ❖ Wells: location of existing and/or proposed wells on property and setback distances from lot lines and existing and proposed structures
- ❖ Proposed use and dimensions of all existing and proposed buildings

- ❖ Parking and loading areas (existing and proposed)
- ❖ Driveways and their dimensions (existing and proposed)
- ❖ Location of all outdoor storage (existing and proposed)
- ❖ Location and description of all landscaping (existing and proposed)

***** The following items must also be included on the site/plot plan if applicable (usually for commercial or large residential developments)*****

- ❖ Topographic map with five (5) foot elevation contours if grades exceed five percent (5%), or if local conditions make the site susceptible to erosion, flooding or ponding
- ❖ Name and signature of professional engineer, land surveyor, and/or architect
- ❖ Certification by a licensed professional engineer and licensed land surveyor as evidence of professional responsibility for the preparation of the construction sheet
- ❖ If revisions are made, a table is to be included showing the date of the original map and all revisions, and a description detailing the nature of the map amendments
- ❖ Typical cross sections and details of street pavements, including curbs, sidewalks, manholes, catch basins and trench details, if applicable
- ❖ Profiles of proposed streets and/or parking areas
- ❖ Profiles of all existing and proposed storm, sanitary and water mains
- ❖ Final grading plan including plans for controlling erosion, siltation and off-site stormwater movement
- ❖ Location of floodplains, showing boundary of 100-year floodplain (if present on or adjacent to site)
- ❖ Landscaping plan and detail sheet describing plantings (existing and proposed)
- ❖ Location of regulated wetlands and 100-foot buffer area if wetland is state regulated (if present on or adjacent to site)
- ❖ Existing and/or proposed site improvements as follows:
 - Sidewalks or sidewalk easements
 - Drains
 - Culverts
 - Retaining walls and fences
 - Storm water drainage
 - Size, location and details of all signs
 - Buffer areas
 - Design and location of lighting facilities
 - Bus Stops
 - Curbs
 - Utilities or utility easements

Town of Glenville
 Building Department
 18 Glenridge Road
 Glenville, NY 12302
 Phone: (518) 688-1200 ext. 8
 Fax: (518) 384-0148



Date original building permit denied: _____
 Total # of variances requested: _____
 Amount Received: \$ _____
 Date: _____
 By: _____

Town of Glenville AREA VARIANCE APPLICATION

<u>Applicant*</u>	<u>Owner – if not applicant</u>	<u>Attorney/Agent</u>
Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____	City/State/Zip: _____
Phone: _____	Phone: _____	Phone: _____
Email: _____	Email: _____	Email: _____

*An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: _____ Owner _____ Lessee _____ Under option to lease or purchase

Property Information

- 1) Property Address/Location: _____
- 2) Tax Parcel No: _____ Current Zoning District: _____
- 3) Current use of property: _____
- 4) An area variance is requested to permit the following:

Address the following review criteria ****Answers such as "none" or "N/A" will not be accepted****

The following variance(s) is requested – (use separate sheet of paper if needed)

Section of Town Code	Permitted Size/Dimensions	Proposed Size/Dimensions	Variance Requested
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. Whether there has been any self-created difficulty.

Signature of Property Owner _____ Date _____

(signed agreement between the property owner and representative may be accepted)