

Village of Philmont

Application for Variance

Tax Map #: _____

Application #: _____

Date of Hearing: _____

Date Received: _____

Date of Action: _____

Fee Paid: _____

Decision: _____

REQUEST FOR A VARIANCE IS HEREBY MADE BY THE UNDERSIGNED

1. Name of Owner(s) _____

2. Address of Owner(s) _____

3. Property Address _____

4. If this application is for a **use** variance(s), please explain:

5. If this application is for an **area** variance(s), please explain:

6. Attach appropriate SEQR Environmental Assessment Form:

Long

Short

Applicant's Signature

Date

Statutory Standards for the Issuance of Use and Area Variances

Section 267-B of General Village/State Law permits the local Zoning Board of Appeals to grant waivers (variances) from the strict application of the Zoning Ordinance provisions. However, this relief, by law, can only be given under hardship or practical difficulty situations. The following information outlines the tests that must be met before the applicant would be eligible for a variance.

IF A USE VARIANCE IS REQUESTED:

The applicant must demonstrate to the ZBA for each and every permitted use under the Zoning Ordinance for the particular zone where the property is located that:

- a. The applicant cannot realize a reasonable return, provided that this lack of return is substantial, demonstrated by competent financial evidence, (such as financial statement, tax bills, expert testimony, etc.)
- b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
- c. The requested use variance, if granted, will not alter the essential character of the neighborhood.
- d. The alleged hardship has not been self-created.

IF AN AREA VARIANCE IS REQUESTED:

- a. Why the request will not result in an undesirable change to the character of the neighborhood, or be detriment to nearby properties.
- b. Why the benefit sought cannot be achieved by some other method feasible to the applicant.
- c. Why the variance is not deemed substantial in nature.
- d. Why the request will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- e. Why the alleged difficulty was not self-created.

Documentation must be submitted in writing with your submission, except for oral expert testimony.

Village of Philmont

Submittal Checklist

(Variance)

- ☐ Check payable to "Village of Philmont in the amount of \$100.00.
- ☐ Complete application(s) – (obtainable from Building Inspector or from Website - www.philmont.org)
- ☐ Copy of the denied building permit application with the Building Inspector's reasons for the rejection. The number of this application **must** appear on all documentation submitted.
- ☐ Plot plan drawn to scale showing the following information:
 - ☐ All boundary lines and dimensions.
 - ☐ All structures, whether existing or proposed, including their dimensions.
 - ☐ Location of driveway(s). Attach approved driveway, permit(s).
 - ☐ Location of well and septic, including leach field. (if applicable)
 - ☐ Show setbacks of all structures, driveway, well and septic from boundary lines.
 - ☐ Show names of abutting landowners.
- ☐ A copy of the survey map and deed.
- ☐ A list of the names and mailing addresses of all property owners within 300 feet of the parcel's boundaries, including across streets, roads, highways, streams.
- ☐ Completed (Part I only) long/short Environmental Assessment Form (available From Building Inspector or Zoning Office)
- ☐ All information required under the statutory standards for issuance of Use and Area Variances and any other information deemed necessary by the applicant to Justify the approval of the request.

Note: A complete package of 8 copies should be submitted by the last Tuesday of the month to the Building Inspector, in order to be included in the next month's agenda. If after 90 days, the applicant makes no oral or written contact with the Board, the application will be deemed abandoned.

Questions should be directed to the Village Office, P.O. Box 822, Philmont, NY 12565

Updated 9/16/2014

C. Speed