

**VILLAGE OF VICTORY**

23 PINE STREET, P.O. BOX 305 VICTORY MILLS, NEW YORK 12884

PHONE/FAX: (518) 695 - 3808

**ZONING BOARD OF APPEALS APPLICATION**

Application Fee \$50.00/Date Submitted: \_\_\_\_\_ \*Case No: \_\_\_\_\_

\*Meeting Date for Area/Use Variance Appeal: \_\_\_\_\_

**PLEASE CHECK YOUR REASON FOR THIS APPLICATION:**

\_\_\_\_\_ AREA VARIANCE \_\_\_\_\_ USE VARIANCE

**APPLICANT**

**OWNER(S), if different**

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Phone Number \_\_\_\_\_

**\*If property is not owned by applicant, the applicant must submit a statement by the owner authorizing the applicant to appeal on his/her behalf.**

Tax Map Number: \_\_\_\_\_

Zoning District Classification: \_\_\_\_\_

Reason for the Variance Request: \_\_\_\_\_

	Required	Proposed
Lot Area (sq. feet)	_____	_____
Lot Width (feet)	_____	_____
% of Lot Coverage	_____	_____
Front Yard (feet)	_____	_____
Rear Yard (feet)	_____	_____
Side Yard (feet)	_____	_____

**\*Please reference Appendix A, Area and Bulk Schedule, for notations regarding the minimum lot and minimum yard requirements.**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Village of Victory  
**Zoning Board of Appeals**  
Phone/Fax: (518) 695 - 3808

**General Information and Procedures**

Zoning Board Secretary	Maureen Lewsey
Regular Meetings	Third Monday of the month at 6:30pm (please check at the village office to confirm date)
Meeting Location	Village of Victory Community Center/Village Office

**Procedures**

1. In order to be an applicant for an area variance or use variance, you must first have been denied by the village's Code Enforcement Officer or the Planning Board. You must provide, with your application, the reason you were denied (and state what section of the zoning law that you were not in compliance or why you were denied by the planning board).
2. The applicant or a representative must be present before the ZBA will hear the case.
3. The applicant must bring a plot plan showing all property dimensions, the size of the lot, and the location and size of all buildings, and a diagram showing all proposed changes. Photographs of the property and buildings are recommended. In addition, where appropriate, it is recommended that the applicant have a larger field drawing (such as a tax map) showing the location of all adjoining properties and their structures.
4. The applicant or their representative will describe the variance requested and answer all questions by members of the board.
5. Input concerning the requested variance may be requested from the code enforcement officer, the village planning board and when required the county planning board.
6. Concerned citizens will be provided the opportunity to give input concerning the requested variance. It is mandatory for all variance requests to have a public hearing. Notification of public hearing must be placed in the village's designated paper within ten (10) days of the public hearing. Notification must be made by certified or registered mail to all neighbors within five-hundred (500) feet. Notification must be made to any lands owned by the National Park. Proof of notification must be submitted to the zoning board.
7. If more information is needed, the zoning board may request that the applicant obtain the requested information and return the following month.
8. In order for any motion to pass two (2) votes, or the majority of the zoning board, is required.
9. You must provide five (5) copies of your application and plot plan.
10. You must provide information to the secretary ten (10) days prior to the meeting date.
11. Application Fee of \$50.00 must accompany the application at the time of submittal to be considered a complete application. (Use and Area Variance requests ONLY. There is no fee for Interpretation of the zoning law.)

**Summary of Use Variance Criteria**

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the zoning board Unnecessary Hardship. Such demonstration includes all of the following for each and every permitted use:

1. Can not realize a reasonable return – substantial as shown by competent financial evidence;
  2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood;
  3. Requested variance will not alter essential character of the neighborhood;
  4. Alleged hardship has not been self created.
- If approved, the zoning board shall grant minimum variance necessary, and may impose reasonable conditions.

**Summary of Area Variance Criteria**

Balancing Test – Board of Appeals shall balance benefit to applicant with detriment to health, safety and welfare of the community. Board of Appeals shall also consider:

1. Whether the benefit can be achieved by other means feasible to applicant;
  2. Undesirable change in the neighborhood character or to nearby properties;
  3. Where the request is substantial;
  4. Where the request will have adverse physical or environmental effects;
  5. Whether the alleged difficulty is self created.
- If approved, the zoning board shall grant minimum variance necessary, and may impose reasonable conditions.