

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: _____

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

Required

Proposed

***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.