



**TOWN OF BALLSTON
ZONING BOARD OF APPEALS
323 CHARLTON RD
BALLSTON SPA, NY 12020**

OFFICE USE ONLY

Date rec'd _____

Ref # _____

Hearing Date: _____

County Planning ___yes ___no

ZONING BOARD OF APPEALS APPLICATION

APPLICANT/AGENT (Owner Authorization required)

Name _____ Organization _____ Phone _____

Email: _____ Address _____ City _____ State _____ Zip _____

PROPERTY OWNER

Name _____ Organization _____ Phone _____

Address _____ City _____ State _____ Zip _____

The undersigned applicant and owner hereby apply to the Zoning Board of Appeals for:

- 1. An interpretation of the the Law as it applies to the Section _____ of the Zoning Law.
- 2. A use variance to the Zoning Law, specifically Section _____ of the Zoning Law, is requested.
(The four conditions of [§ 138-131G\(2\)\(b\)](#) Use Variances must be addressed, attached)
- 3. An area variance to the Zoning Law, specifically Section _____ of the Zoning Law, is requested.
(The five conditions [§ 138-131G\(3\)\(b\)](#) Area Variances must be addressed, attached)
- 4. Other _____, specifically, Section _____.

LOCATION OF PROPERTY UNDER THIS APPEAL _____

ZONING DISTRICT: _____ **TAX MAP NUMBER(S):** _____

Does this property have an agricultural exemption? Yes No

Is this property within 500' of a farm operation or within an Ag District? Yes No If yes, an [Ag Data Statement](#) is required.

Is this property within 500' of a STATE or COUNTY HIGHWAY or a MUNICIPAL BOUNDARY? Yes No

Does the lot access a public highway? Yes No

INFORMATION REQUIRED FOR THE ZONING BOARD OF APPEALS

Under Current Zoning Law:

	<input type="checkbox"/> YES	<input type="checkbox"/> NO	ACTUAL	REQUIRED	DIFFERENCE
1) Is lot area sufficient for use?	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
2) Is lot width sufficient for use?	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
3) Is front setback sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
4) Is side yard setback sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
5) Is rear yard setback sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
6) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____

Have previous variances or special use permits been granted? Yes No If yes, date granted _____

Applicant/Agent Signature: _____ **Date:** _____

Please see page 2 for additional submission requirements

To be placed on the agenda, applications must be submitted **no later than two weeks before** the regularly scheduled meeting. Meetings are held the first Wednesday of the month unless otherwise noted on the town calendar.



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Please submit the following:

- ONE (1) Electronic copy in PDF format of all submission documents
- Filing Fee as applicable:
 - Use Variance Application Fee \$500
 - Area Variance Application Fee \$250 plus \$50 per additional variance requested
 - Interpretation of the Law \$100
 - Other \$100

TWELVE (12) packets with each of the following:

- Completed Application Form (page 1)
- [Owner Authorization Form](#) (if applicant/agent is not the property owner)
- [Short form EAF](#)
- A written narrative explaining what is proposed, with any facts the applicant feels are pertinent.
- A plot plan, if available; if not, then a drawing to scale. All building locations on the property must be shown with dimensions to property line. Water supply and sewage disposal location must also be shown.
- Sketch of proposed improvements
- Complete copy of current deed, lease or color of title.

NOTE: Applicant or representative must attend scheduled meeting.



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§ 138-131 G. Permitted action by the Zoning Board of Appeals.

- (1) Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Enforcement Officer charged with the enforcement of such ordinance or local law, and to that end, shall have all the powers of such Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
- (2) Use variances.
 - (a) The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances.
 - (b) No such use variance shall be granted by the Zoning 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 Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] That 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] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] That the alleged hardship has not been self-created.
 - (c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Area variances.
 - (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances as defined herein. In addition, the Zoning Board of Appeals shall also have the power to grant area variances which are necessary in the course of site plan, special use permit and subdivision application for which application for such area variance may be made directly to the Zoning Board of Appeals without the necessity of a decision or determination of an administrative official charged with enforcement of the zoning regulations as authorized by Town Law §§ 274-a(3) (site plan), 274-b(3) (special use permits) and 277, Subdivision 6 (subdivisions).
 - (b) In making its determination, the Zoning Board of Appeals 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 determination the Board shall also consider:
 - [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 benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - [3] Whether the requested area variance is substantial;
 - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (c) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.