



Town of Day Zoning Board of Appeals

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Use Variance Application Form:

This form is designed to help the applicant gather and communicate the information the ZBA will need to make a decision about the applicant's request for a variance. Applicants must address the factors the ZBA is required to consider.

Information required:

1. The letter of denial by the Code Enforcement Officer or the referral from the Planning Board.
 - a. This information tells the ZBA what was requested, and why it wasn't in compliance with existing Town of Day law.
2. Documentation that the applicant has the legal standing to make the request for a variance. All owners of a property must apply for the variance.
 - a. Generally, this is a copy of the deed, or contract of sale.
3. A survey map drawn by a NYS licensed land surveyor. The map must show the location and precise dimensions of the property, and the location and dimensions of all existing structures, and any proposed structure(s), including the distances of structures from the property lines (the setbacks.)
4. The map must include the area, and the height from grade of any proposed structure. The map will show all significant landscape features. Landscape

features include, but are not limited to, wetlands, water courses, wells, septic systems, and right of ways.

- a. In order to assess the impact of granting a Use Variance, the ZBA must understand the area affected.
5. A completed Town of Day application form:
 - a. Under “Specific Description of the Requested Variance” applicants should describe the project, and demonstrate
 - a.i. the harm they will suffer if the Use Variance isn’t granted.
 - a.ii. why they judge alternatives, including alternatives not requiring a variance, as not feasible.
 - b. All owners MUST sign the application form. Note that the application form includes the granting of permission for individual members of the ZBA to inspect the property on a site visit.
 6. A completed applicant’s section (Part 1) of the “Short Environmental Assessment Form.”
 - a. This part of the application is required by New York State Law of all projects, and is known as a “SEQRA” review.
 7. Payment of the required application fee.
 - a. Checks made payable to the Town of Day. The fees are \$75 for a commercial application, and \$75 for a residential application.

When the ZBA has accepted the application as complete, the Public Hearing will be scheduled. The applicant is obligated to notify all property owners and governments (i.e. Hudson River Black River Regulating District, Town of Hadley, Town of Edinburg, Saratoga County, etc.) within 500’ of each property boundary. Notification must be by certified mail at least 10 DAYS before the public hearing.

Applicants must fill out the items below.

Item 1: Identification of Property and Applicants

Tax Map Description of Property:

Section ___ Block ___ Lot ___ Zoning Classification ___

Owner(s): All owners listed on the deed must be listed. Attach a copy of the deed to this application.

Name: _____

Address: _____

Telephone Number _____

Email address: _____ (not required.)

If there are additional owners, attach the required information to this application. If the applicant(s) are to be represented by someone else (a contractor, lawyer, family member, friend, etc.) all applicants must sign the authorization below.

I hereby authorize _____
to be my official representative for this application.

I authorize individual members of the ZBA to perform site visits.

Signature of applicant(s) _____

Date _____

Directions to the site: _____

Use Variance Applications require significant documentation, so we assume that leaving space within this form would be inadequate. Each item should be addressed to the fullest, and the documents should be attached to the application.

- I. Describe the project: In describing your project, please provide as much information as you can that is pertinent to the factors the ZBA must consider.

- II. Demonstrate:
 - a. The economic hardship that would be suffered if the variance is not granted. This demonstration must include credible financial analysis to show the applicant cannot realize a reasonable return for each and every allowed use in the zone where the property is located;
 - b. 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;
 - c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. That the alleged financial hard ship has not been self - created.

- III. What alternatives to this Use Variance have you considered?

- IV. If there are alternatives that wouldn't require a variance, why did you reject them?