

*Application for Interpretation, Use Variance or Area Variance  
Town of Schoharie Zoning Board of Appeals*

Appeal # _____ Date application received complete _____ Note: Only fill in date when all necessary paperwork is received from applicant. ZBA then sets a hearing in a reasonable time period and has 62 days to make a decision after such hearing. Town of Schoharie ZBA Use Only
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(NOTE TO APPLICANT: The Town of Schoharie has a Zoning Law that was adopted to allow for growth in the Town and to maintain the character that we all enjoy as residents and property owners. When an action is denied it is because it does not comply with the Zoning Law. You are entitled to an appeal of such denial through the Town Zoning Board of Appeals (ZBA). The ZBA must abide by New York Town Law and only allow relief under certain circumstances. This strict adherence to the Law is necessary for the benefit of all residents and to uphold the purpose of the Zoning Law. The Town of Schoharie always considers landowner comments (good or bad) about the Zoning Law.

Dear applicant,

- ❖ Please read through the form and then complete all blanks.
- ❖ If an item is not applicable, write "n/a".
- ❖ Attach additional sheets if necessary.
- ❖ Submit this application form along with the additional items indicated on this form to: CEO
- ❖ When this application is received complete and the Town of Schoharie ZBA receives all additional forms, the date received blank located at the top of the form will be filled in by the ZBA Chair.
- ❖ Incomplete applications will not be considered.

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I (We), \_\_\_\_\_, hereby appeal to the Town of Schoharie Zoning Board of Appeals for the following:

*(In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.)*

*circle one*      [Use Variance] [Area Variance] [Interpretation]      *circle one*

1. **Applicant:**  
Name or Identifying Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
  
2. **Owner:**  
Name or Identifying Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

3. **Property:**  
Street Address: \_\_\_\_\_  
Tax Map Parcel #: \_\_\_\_\_  
Zoning District: \_\_\_\_\_

4. **Names and addresses of landowners within 500 feet of subject property (include other towns/village):**

Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____
Name: _____	Tax Map # _____

**NOTE:** Attach additional sheets if necessary. Submit with this application business envelopes addressed to each owner indicated with certified / return receipt postage attached.

5. **State Environmental Quality Review (SEQR)**

The applicant is responsible for completing the applicable SEQR Environmental Assessment Form (EAF) and submitting the EAF as part of this application.

Submitted with this application in accordance with SEQR is

- ( ) Part I of the Short Environmental Assessment Form-Attached
- ( ) Part I of the Full Environmental Assessment Form
- ( ) a Draft Environmental Impact Statement
- ( ) Nothing (This proposed action is a Type II exempt action under SEQR)

6. **Reason for Appeal**

A. **INTERPRETATION:**  
Interpretation of the Zoning Ordinance or District Boundaries is required because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. USE VARIANCE:**

Under current New York Town Law a Zoning Board of Appeals can only issue a use variance under certain strict circumstances. Please answer the following questions for the ZBA to consider your use variance request. If requesting a use variance, that is, permission to establish a use of the property not otherwise permitted in the zoning district, the applicant must prove “unnecessary hardship,” To prove this, State law requires the applicant to answer all of the following:

(1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (actual “dollars and cents” proof must be submitted);

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(2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; because,

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(3) The requested use variance, if granted will not alter the essential character of the neighborhood; because,

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(4) The alleged hardship has not been self-created; because,

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If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

C. AREA VARIANCE:

Under current New York Town Law a Zoning Board of Appeals can only issue an area variance after weighing certain evidence. Please answer the following questions for the ZBA to consider your area variance request:

(1) If the variance is granted, the applicant will have the following benefit:

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(2) If the area variance is granted there (will) (will not) be an undesirable change in the character of the neighborhood or a detriment to nearby properties; because,

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(3) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; because,

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(4) The requested area variance substantial; because,

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(5) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; because,

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(6) The alleged difficulty was not self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance:

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Part 2 (For Zoning Board of Appeals Use Only)

1. For a complete application, did the applicant provide?

- a. A completed application form? Yes \_\_\_ No \_\_\_
- b. Business envelopes with postage for each landowner in #4? Yes \_\_\_ No \_\_\_
- c. Part I of the SEQR EAF? Yes \_\_\_ No \_\_\_
- d. For use variance, financial evidence as indicated in #6(B-1)? Yes \_\_\_ No \_\_\_

If 'No' is checked for any of the above, the application should not be dated as received until the applicant has been given the chance to provide the missing information. If applicant refuses to give information, a hearing can proceed as long as applicant is aware that missing information may increase his/her chance of an unfavorable outcome.

2. Is the parcel located in a mapped floodplain? Yes \_\_\_ No \_\_\_

3. Is the parcel 500 feet from:

- (a) a town or village boundary?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) an existing or proposed county or state road or highway?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (c) an existing or proposed county or state park or other recreation area?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (d) an existing or proposed boundary of any county or state owned land on which a public building or institution is located?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (e) a boundary of a farm operation located in an agricultural district (not applicable for area variances)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If 'Yes' is checked for any portion of #3, the proposed action must be referred to the Schoharie County Planning Commission before making a final decision. Public hearing can be held in the meantime.

4. Did you get a copy of the written denial from the CEO? Yes \_\_\_ No \_\_\_

If 'No' make sure the applicant has actually been denied a permit in order to have standing with the ZBA. In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.

5. For the hearing, was notice placed in the paper at least ten days prior to the hearing date?  
Yes \_\_\_ No \_\_\_

7. Ten days prior to hearing was a notice mailed out to all property owners within 500 feet of subject property?  
Yes \_\_\_ No \_\_\_