TOWN OF CORINTH
600 PALMER AVENUE
CORINTH, NEW YORK 12822
PHONE: (518) 654-9232
FAX: (518) 654-7751

GUIDE FOR USE VARIANCES

This guide is intended to provide brief instruction for preparing and filing a **use variance** application to the Town Code Enforcement Officer. No guarantee of success is implied if the guide is followed, nor is the denial implied by not following the guide. In all cases, the applicant should review Chapter 89 Land Use regulations of the Town Code.

Further details of the procedure can be found in the Town Code which is available at the Town Building Department office or online at www.townofcorinthny.gov.

REVIEW PROCEDURE

The ZBA has the authority to vary the use requirements defined in Chapter 89 Land Use regulations of the Town Code following an appeal request by an applicant for a decision or determination of the Town Code Enforcement Officer (§ 89-48C(2)). Through the appeals process, the applicant is required to demonstrate how applicable land use restrictions caused **unnecessary hardship** (§ 89-48C(2)(a)). A successful appeals process will result in the ZBA granting the applicant the **minimum variance** (§ 89-48C(2)(b)) with **reasonable restrictions and conditions** (§ 89-48C(3)) necessary and adequate to address the proven unnecessary hardship while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

The procedure for a use variance (§ 89-49) includes the following three (3) phases:

1) **Submission of Application** – The aggrieved party submits all required documentation and applicable fees for a variance within **sixty (60) days** of the relevant action.
2) **Public Notice and Hearing** – The Town Clerk notifies the applicant of a public hearing which they must appear in person or by agent. The ZBA is required to publish a public notice in the official newspaper of the Town at least five (5) calendar days prior to the hearing. The applicant is required to provide notice of the public hearing and relevant data to the owners of all property abutting or within five hundred (500) feet of the land involved in the appeal.
3) **Decision** – The ZBA decides on the variance within **sixty-two (62) days** of the close of the public hearing and files an official written record in the office of the Town Clerk within five (5) business days of the decision.

Any person or persons, jointly or severally aggrieved by any decision of the ZBA, may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within **thirty (30) days** after the filing of the ZBA decision in the office of the Town Clerk. (§ 89-51).

Unless the Code Enforcement Officer finds there to be an imminent peril to either life or property, an appeal stops all work related to the action which is the subject of the appeal by either the Town or appellant (§ 89-49G).

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SUBMISSION REQUIREMENTS FOR USE VARIANCE

****Application deadline is NOON, by the 15th day of the month, PRIOR to the next meeting. ****

Zoning Board of Appeals meetings are held at 6:00PM on the First Thursday of the month at the Corinth Town Hall, 600 Palmer Ave.

*****PDF file(s) of All submission materials (send files to: boardclerk@townofcorinthny.gov *)**

The following lists the submission requirements for a use variance (see § 89-49). The Zoning Board of Appeals (ZBA) has the right to waive any of the application requirements which it feels are inapplicable.

☐ 1. **Eight (8)** copies of a completed Application for Use Variance.

☐ 2. **Eight (8)** copies of a completed Environmental Assessment Short Form or Part 1 of the Long Form as required by the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.

☐ 3. **Eight (8)** copies of a site plan to scale.

Required components of the **site plan** include:

- ☐ All structures, existing and proposed, including specific dimensions (sizes) and location(s) on the lot.
- ☐ Tax map reference numbers (section, block, lot).
- ☐ Surrounding land uses (e.g. residential, commercial, institutional, open space/parkland, industrial).
- ☐ Precise/accurate boundary lines and measured dimensions (distances) from all structures to all property lines.
- ☐ Location of water/well and septic facilities, proposed and existing, with separation disctances between well and septic facilities on subject parcel, as well as adjacent properties noted.
- ☐ Existing and proposed contours of the land.
- ☐ Adjacent property owners (names).
- ☐ Any natural or man-made features that may affect the property, such as roads, driveways, parking areas, landscaping and screening, drainage and utility systems, ponds, easements or embankments.

☐ 4. Additional information requested by the ZBA (if applicable).

☐ 5. All forms, plans and fees submitted signed and notarized to the Town Code Enforcement Officer by the **15th day of each the month**.

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Signature _____ _____

Applicant Date

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APPLICATION FOR USE VARIANCE

FOR INTERNAL USE ONLY

APPLICANT: _____
_____
_____
_____

CASE #: _____
LAND USE DISTRICT: _____
DATE SUBMITTED: _____
SEQR RESULT: _____
APA LAND CLASS: _____

GENERAL INFORMATION:

LOCATION: _____ TAX MAP #: _____

CURRENT USE: _____ LAND USE DISTRICT: _____

LENGTH OF TIME OF USE: _____ PROPOSED USE: _____

RELIEF SOUGHT: _____

RELATIONSHIP TO PROPERTY:

LESSEE: ☐ Yes ☐ No from: _____

OWNER: ☐ Yes ☐ No from: _____

By deed dated: _____

OTHER: _____

DESCRIPTION OF ACTION FOR WHICH THE USE VARIANCE IS SOUGHT:

_____

_____

_____

_____

_____

NOTE: Plans and applications must be submitted to the Code Enforcement Officer by the **15th day of each month**. Fees are **$150** in **residential** districts and **$250** in **commercial/industrial** districts. **The Zoning Board of Appeals meets the first Thursday of each month at 7:00pm in Town Hall**.

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PROFESSIONAL INFORMATION:

1. **Applicant:** _____
   Street Address: _____
   City, State, Zip: _____
   Telephone #: _____

2. **Property Owner(s):** _____
   Street Address: _____
   City, State, Zip: _____
   Telephone #: _____

3. **Agent:** _____
   Street Address: _____
   City, State, Zip: _____
   Telephone #: _____

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CRITERIA: No use variance will be granted without the applicant demonstrating how applicable zoning regulations and restriction have caused **unnecessary hardship** (§ 89-48C(2)(a)). Answers to each question listed below will assist the Zoning Board of Appeals (ZBA) in their decision. Please attach additional pages if necessary.

1. What is the financial return from the property in question for each use as allowed in the land use district in which the property is located? Please attach competent financial evidence to support the answer provided.

   Explain:

   _____

   _____

   _____

   _____

2. Is the alleged hardship relating to the property in question unique and does it apply to a substantial portion of the district or neighborhood? ☐ Yes ☐ No

   Explain:

   _____

   _____

   _____

   _____

   _____

3. Will the use variance, if granted, alter the essential character of the neighborhood? ☐ Yes ☐ No

   Explain:

   _____

   _____

   _____

4. Is the alleged hardship self-created? ☐ Yes ☐ No

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Explain:

_____

_____

_____

_____

_____

Signature _____ _____
Applicant Date