Application # _____

USE VARIANCE APPLICATION

VILLAGE OF CHAMPLAIN
1104 RT 9
CHAMPLAIN, NY 12919
Phone 518-298-4152
Fax 518-298-2075

Applicant Name and Address:

_____

_____

_____

Phone #: _____

Phone #: _____

Email:_____

Property Address:

_____

_____

_____

Parcel ID#: _____

Zoning Classification:_____

A previous application has ( ) has not ( ) been filed with respect to this property. If an application has be previously made, please indicate previous application # _____ Date: _____

Describe the proposed project :

_____
_____
_____
_____
_____
_____
_____

Describe the existing use of the property:

_____
_____
_____
_____

Explain how a reasonable return cannot be made by using the property for the permitted uses within the Zoning District (please provide some financial evidence)

_____
_____
_____
_____

Explain how the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the other properties in the same zoning district:

_____
_____
_____
_____

Will this project alter the essential character of the neighborhood? (Please give reasons or evidence in support of your answer):

_____
_____
_____
_____

Is the alleged hardship self-created? (Is the hardship claimed by the application caused by an action taken previously by the applicant, or did the applicant intentionally acquire the property for which the variance is requested for the proposed use?)

_____
_____
_____
_____

Attach a copy of the real property tax map, showing the location of the property and neighboring properties. Indicate on the map the names of all adjoining property owners.

Attach a plot plan **drawn to scale**. Graph paper is acceptable. It should show the dimensions of the lot and exact location of proposed and existing buildings, structures, driveways, wells and septic system. Include all front, rear, and side setbacks and any other information that is pertinent to the variance. Show dimensions in feet directly on plan.

Date: _____ _____
Signature of landowner

Date: _____ _____
Signature of Applicant if different than landowner

USE VARIANCES

What it is: An application for a type of land use not permitted within the zoning district

Ex: Retail storefront within a residential zone
Additional signs than what are permitted (request for 3 when only 1 is allowed)
A residential use within an industrial zoning district

Application must have been denied by the zoning enforcement officer before a variance may be heard by the zoning board of appeals.

STATE ESTABLISHED PROCEDURE FOR REVIEWING USE VARIANCE REQUESTS
****ALL FOUR OF THE TESTS MUST BE MET FOR A USE VARIANCE TO BE GIVEN LEGALLY****

Applicant must show "unnecessary hardship" in order to receive the variance. In order to prove such unnecessary hardship, the applicant must demonstrate to the ZBA, all of the following::

1) The applicant cannot realize a reasonable return
    - Proof must include competent financial evidence (written proof)
    - Must be a substantial lack of return
2) The alleged hardship is UNIQUE
    - The hardship cannot apply to a substantial portion of the district or neighborhood
3) The proposal will not "ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD"
    - The project will not cause substantial impact on the current conditions of the neighborhood, including factors such as traffic, pollution, and aesthetics.
4) The alleged hardship is not "SELF CREATED"
    - The applicant did not cause the difficulty personally, such as by altering the property (excavations, land-locking of the lot, other physical changes to the lot)
    - Purchase of the land with an intent to use it for a use not permitted in the zoning district is an example of a self-created hardship.

GRANTING OF A VARIANCE:

The ZBA shall grant the minimum variance necessary to address the 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.

CONDITIONING THE VARIANCE

Reasonable conditions and restrictions may be applied by the ZBA to the use variance, as long as the conditions and restrictions are directly related to and incidental to the proposed use of the property. The conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

3. a. Total acreage of the site of the proposed action? _____ acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO ☐	YES ☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO ☐	YES ☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO ☐	YES ☐
b. Are public transportation services available at or near the site of the proposed action?		☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		☐	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		NO ☐	YES ☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____		NO ☐	YES ☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		NO ☐	YES ☐
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO ☐	YES ☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		☐	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO ☐	YES ☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☐
If Yes, explain the purpose and size of the impoundment: _____ _____		
~~1~~9. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____ _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☐
If Yes, describe: _____ _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: _____ Date: _____

Signature: _____ Title: _____

PRINT FORM