

Zoning Board of Appeals Town of Saratoga General Information and Procedures

Zoning Officer	Gil Albert (518) 695-3644 ext. 313
Zoning Board Clerk	Linda McCabe (518) 695-3644 ext. 322
Regular Meetings	Fourth Monday of the month at 7:00 p.m.
Meeting Location	Town of Saratoga Town Hall, 12 Spring St., Schuylerville

1. The applicant or a representative must be present before the ZBA will hear the case.
2. The applicant **must provide an 11" x 17" plot plan showing all property dimensions, the size of the lot, the location and size of all buildings, and a diagram showing all proposed changes.** Photographs of the property and buildings are recommended. In addition, where appropriate, it is recommended that the applicant have a larger field drawing (such as a tax map) showing the location of all adjoining properties and their structures. For their own protection, the applicant should have a certified survey of the lot for which the variance is requested, but this is not mandatory.
3. **The applicant is required to send Neighbor Notification letters (list supplied by Town), via certified-return-receipt-requested, and bring receipts to the Clerk prior to the start of the meeting. (Public hearings cannot be held without proof of mailings.)**
4. The applicant or their representative will describe the variance requested and answer all questions by members of the board.
5. Input concerning the requested variance will be requested from the zoning officer, the town planning board, and where appropriate, the county planning board.
6. Concerned citizens will be provided the opportunity to give input concerning the requested variance.
7. If more information is needed, the board may request that the applicant obtain the requested information and come back at the following month's meeting.
8. In order for any motion to pass, 4 votes, the majority of the board, are required.

Summary of Use Variance Criteria

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the board **Unnecessary Hardship. Such demonstration includes all of the following for each and every permitted use:**

1. can not realize a reasonable return- substantial as shown by competent financial evidence;
2. alleged hardship is unique and does not apply to substantial portion of district or neighborhood;
3. requested variance will not alter essential character of the neighborhood;
4. alleged hardship has not been self-created.

If approved, the board shall grant minimum variance necessary, and may impose reasonable conditions.

Summary of Area Variance Criteria

Balancing test – Board of Appeals shall balance benefit to applicant with detriment to health, safety, and welfare of the community. Board of Appeals shall also consider:

1. whether benefit can be achieved by other means feasible to applicant;
2. undesirable change in the neighborhood character or to nearby properties;
3. whether the request is substantial;
4. whether the request will have adverse physical or environmental effects;
5. whether the alleged difficulty is self-created.

If approved, the board shall grant the minimum variance necessary, and may impose reasonable conditions.

Application to The Zoning Board of Appeals

Town of Saratoga
12 Spring St.
Schuylerville, NY 12871
Telephone # 695-3644 ext. 322 Fax # 695-6782

Clerk's use only: Date received _____ Appeal No. _____ \$150 Fee received _____ Check # _____
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Applicant(s): Name _____
Mailing Address _____
Telephone Number _____
Email: _____ Cell Phone # _____
Property address: _____

I (we) hereby appeal to the Zoning Board of Appeals after the decision by the **Planning Board** on (date) _____, denying my (our) application for a () Subdivision **or** () Special Use Permit for property located at _____, Complete address
in Zoning District _____, Section/Block/Lot# _____.

Type of Appeal

An appeal is made herewith for:

- ☐ Use or ☐ **Area variance** to the zoning regulations
- ☐ A certification to re-establish an **abandoned non-conforming use**
- ☐ An **interpretation** of the zoning regulations on zoning map

Appeals Information

	<u>Required</u>	<u>Proposed</u>	<u>Need</u>
Lot Area:	_____	_____	_____
% of building coverage	_____	_____	_____
Set Backs:			
Front	_____	_____	_____
Back	_____	_____	_____
Two sides	_____	_____	_____
Side	_____	_____	_____
Minimum Lot Width	_____	_____	_____
Minimum Frontage	_____	_____	_____
Height Variance	_____	_____	_____
Sign Variance	_____	_____	_____

Reason for the Variance (be specific and complete – **attach a copy of the Planning Board's Notice of Action** and additional pages if necessary – refer to the variance criteria attached to this form _____

Are there any deed restrictions, easements, or covenants on the property which affect the proposed request and use that you are applying for?

No _____

Yes _____

Explain _____

If yes, please provide a copy of your deed.

I hereby attest that the information presented in this application is accurate and is a truthful representation of the proposal.

Signed: _____ Date: _____

- Requirement of Property Owner –

I hereby give permission to the Applicant to appear before the Zoning Board of Appeals.

Property Owner Signature: _____ Date: _____

I hereby give permission to _____ to appear on my behalf.

(Name of Third Party designated to appear)

Property Owner Signature: _____ Date: _____

This application, with the required documents (11 copies of all) and a \$150 application fee, payable to The Town of Saratoga, must be to the Zoning Officer and or Zoning Clerk no later than 14 days prior to the meeting and no later than 8:45 a.m., in order to be on the agenda. * Files that remain inactive for a period of 2 months must be re-filed with a \$150 application fee.

***Please Take Notice: Any Applicant applying for a Use Variance that contains Agricultural Exemptions, MUST see the Assessor as soon as possible, as any changes in acreage, ownership or land use means all new exemption paperwork must be prepared by the land owner. Please contact Assessor Lorraine Fiorino with any questions.**

- There is a 5 minute presentation limit to the Board -