

TOWN OF GLENVILLE

AREA VARIANCE

INSTRUCTIONS AND APPLICATION

(Please read thoroughly)

A. DEFINITION

An area variance is a mechanism, which allows an individual to build on his/her property in a way that is otherwise prohibited by the Zoning Ordinance. Typically, an area variance is sought by an individual wishing to waive one or more dimensional standards such as front, rear and side yard setback requirements, maximum lot coverage requirements, minimum lot width regulations, minimum parking space requirements, etc.

B. PURPOSE

Due to peculiarities of a particular parcel of land (i.e., rock outcroppings, odd-shaped parcel, excessively steep slopes, etc.), there may be instances where it simply is not possible or practical to build on a parcel without violating certain dimensional zoning regulations. By applying to the Zoning Board of Appeals (ZBA) for an area variance, a relief mechanism is provided to address these "peculiarities".

C. REVIEW CRITERIA

In evaluating an area variance application, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the ZBA shall apply the following criteria or "tests:"

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some feasible method, other than an area variance.
3. Whether the requested area variance is substantial.
4. Whether the area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created (such an occurrence shall be considered relevant, but shall not necessarily preclude an area variance from being granted).

Revised: 2/24/03

9/22/04 (fee revision & site plan checklist order)

2/08 (fee revision)

D. APPLICATION PROCEDURE

1. An application for an area variance, including supporting materials, and a site plan, must be submitted to the Town Building Inspector or Town Planner at least fourteen (14) calendar days prior to the next regularly scheduled ZBA meeting. Providing the applicant files a complete application within the prescribed time frame, he/she will be placed on the agenda. If not, the applicant must wait until the following regularly scheduled ZBA meeting.
2. Following a public hearing and review of the area variance proposal at the ZBA meeting, the ZBA shall act within sixty-two (62) calendar days of the hearing date. In deciding on the area variance request, the ZBA may approve, approve with modifications or disapprove the variance. In addition, the ZBA may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the variance as is determined necessary to secure compliance with the Zoning Ordinance, and to minimize any adverse impacts on the neighborhood or community.

Failure of the ZBA to act on a complete application within sixty-two (62) days shall constitute an approval. However, this time period may be extended by mutual consent of the applicant and ZBA.

3. The ZBA meets on the fourth (4th) Monday of each month at 7:00 PM at the Glenville Municipal Center. The applicant, or a representative of the applicant, shall be present at this meeting in order to address issues and questions raised by the Board.

E. MATERIALS TO BE SUBMITTED

A complete site plan **must** include all of the following:

1. Nine (9) copies of a completed application form, as attached herein.
2. Nine (9) copies of a site plan or map and all supporting documentation (see Section F for required site plan details).
3. A copy of the legal description of the property. (deed)
4. The application fee:
 - Residential
\$150 for the first area variance plus \$50 for each additional area variance request.
 - Commercial
\$250 for the first area variance plus \$50 for each additional area variance request.

F. SITE PLAN CHECKLIST

A complete site plan **must** illustrate all of the following:

- 1) Site/plot plan or map prepared drawn to scale no smaller than 50 feet to 1 inch.
 - 2) Location map showing approximate location of site in relationship to adjacent roads, intersections, and landmarks. Preferably the location map will be illustrated as an inset on the site plan.
 - 3) Title of drawing, name and address of applicant.
 - 4) North arrow, scale, and date showing when the plan/map was prepared and/or revised.
 - 5) Boundaries of the property, plotted to scale.
 - 6) Existing watercourses and direction of flow.
 - 7) Location and names of existing and proposed streets.
 - 8) Ownership and zoning of all abutting properties, and of properties directly across the street or road.
 - 9) Location, dimensions, and description of existing and/or proposed septic system.
 - 10) Proposed use and dimensions of all existing and proposed buildings.
 - 11) Parking and loading areas. (Existing and proposed)
 - 12) Driveways and their dimensions. (Existing and proposed)
 - 13) Location of all outdoor storage. (Existing and proposed)
 - 14) Location and description of all landscaping. (Existing and proposed)
- *****The following items must also if included on the site/plot plan if applicable (usually for commercial development)
- 15) Topographic map with five (5) foot elevation contours if grades exceed five percent (5%), or if local conditions make the site susceptible to erosion, flooding or ponding.
 - 16) Name and signature of professional engineer, land surveyor, and/or architect.
 - 17) Certification by a licensed professional engineer and a licensed land surveyor as evidence of professional responsibility for the preparation of the construction sheet.
 - 18) If revisions are made, a table is to be included showing the date of the original map and all revisions, and a description detailing the nature of the map amendments
 - 19) Typical cross sections and details of street pavements, including curbs, sidewalks, manholes, catch basins and trench details, if applicable.

- 20) Profiles of proposed streets and/or parking areas.
- 21) Profiles of all existing and proposed storm, sanitary and water mains.
- 22) Final grading plan including plans for controlling erosion, siltation and off-site stormwater movement.
- 23) Location of floodplains, showing boundary of 100-year floodplain (If present on or adjacent to site.)
- 24) Landscaping plan and detail sheet describing plantings. (Existing and proposed)
- 25) Location of regulated wetlands and 100-foot buffer area if wetland is state regulated. (If present on or adjacent to site.)
- 26) Existing and/or proposed site improvements as follows:
 - Sidewalks or sidewalk easements
 - Drains
 - Culverts
 - Retaining walls and fences
 - Storm water drainage
 - Size, location and details of all signs
 - Buffer areas
 - Design and location of lighting facilities
 - Bus Stops
 - Curbs
 - Utilities or utility easements

AREA VARIANCE APPLICATION

All questions must be answered in entirety.

*****Incomplete applications will not be accepted.*****

I. TO BE COMPLETED BY THE APPLICANT:

Address of property: _____

Tax Map ID# _____ Zoning Classification _____

Applicant: _____ **Current Property Owner:** (if different than applicant)

Name: _____ Name: _____

Address: _____ Address: _____

Phone:(_____) _____ Phone:(_____) _____

Describe project and list all variances being requested including the section of the Zoning Ordinance to be considered - _____

Address the following review criteria as noted on Page #1:

***Answers such as "none" or "N/A" will not be accepted.

1. Change in character _____

2. Other feasible method - _____

3. Substantiality - _____

4. Impact on Neighborhood - _____

5. Self-imposed difficulty - _____

II. SIGNATURE OF PROPERTY OWNER _____ **DATE** _____
(Signed agreement between the property owner and representative may be accepted.)

III. TO BE COMPLETED BY THE TOWN:
Date original building permit was denied: _____
Total number of variances requested: _____
Application fee for area variance: \$ _____
Date Received _____ By _____