



# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE – 518.747.5212 -----FAX 518.747.2493

## USE VARIANCE APPLICATION

*(Clerk's Office Use Only)*

APPLICATION NO: \_\_\_\_\_ DATE : \_\_\_\_\_

FEE PAID: \_\_\_\_\_

### Requirements, Fees and Instructions (Please use dark blue or black ink)

The application must be filled out completely and in every respect with ALL questions answered and ALL required attachments before the Town can officially accept the application for processing. If the application is incomplete, it will be returned to you for completion or inclusion of the deficient information.

Use this application for any project which requires a Use Variance and relief from the zoning regulations as they pertain to principal or accessory permitted uses in a zoning district (commercial, industrial, residential, multi-family, and etc.) by the Town of Fort Edward Zoning Board.

**THIS APPLICATION IS SUBJECT TO REVIEW AND APPROVAL BEFORE ISSUANCE OF A VALID PERMIT FOR YOUR PROJECT. TO ENSURE TIMELY REVIEW OF YOUR APPLICATION PLEASE COMPLETE THIS FORM IN ITS ENTIRETY AND PROVIDE WITH THIS APPLICATION THE FOLLOWING DOCUMENTATION:**

- Copy of Deed
- Boundary Survey or Tax Map
- Agricultural Data Statement (as applicable)
- Authorization of Agent (as applicable)
- Site Plan (include as much detail as possible and all existing or proposed conditions on the property must be shown) Must be detailed in accordance with Section 81-9-D.
- Floor plans and elevations of existing or proposed buildings (as applicable)
- EAF (NYSDEC Environmental Assessment Form, Short or Long Form, as applicable)
- Information related to the relief requested, as applicable; site layout and dimensions, parking, site access, vehicular maneuvering, traffic, noise, lighting, landscaping, screening or buffers, fencing, water, sewer, utilities, cultural resources, endangered species or habitat, wetlands, flood plains, emergency services, fire safety, loading/unloading zones, alternatives, and etc.

Please submit the original plus (11) eleven copies of your Application and supporting documentation to the Town Clerk's Office for distribution to the Zoning Board and Consultants for review and consideration.

**GENERAL INFORMATION**

**Project Location and Information**

Number and Street Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Current Use of the Property/Building: \_\_\_\_\_

Commercial Plaza Zone:  Yes  No

**Property Owner Identification**

Owner is Applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Contractor/Builder Identification**

Contractor is Applicant

TBD

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Agent Identification**

Agent is Applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Description of proposed project:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the proposed Use of the property that is currently not a permitted principal or accessory use? \_\_\_\_\_

**Total Parcel Area:** \_\_\_\_\_ ac or sf

**Are there any zoning violations or existing non-conforming conditions on the property?**

Yes  No

**If yes, please explain:**

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**Is the lot or parcel for the project within 500 feet of a County or State Highway, Right-of-Way or Park, or Municipal Boundary?**

Yes  No

**If yes, please explain:**

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**Is the lot or parcel for the project within a designated flood plain?**

Yes  No

**Is the lot or parcel for the project within the TOFE Grassland Boundary?**

Yes  No

**Is the lot or parcel for the project within an area known to contain threatened and/or endangered species to include plants or animals?**

Yes  No

**Does the lot or parcel for the project consist of or contain designated wetlands?**

Yes  No

**Is the lot or parcel for the project within close proximity to any designated or important historic properties or cultural resources?**

Yes  No

**Describe the current condition of the site [buildings, brush, woods, vacant, etc.]:**

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## ZONING INFORMATION

**Site Development Data**       Acres    Sq. Ft.

	Area/Type	Existing	Proposed	Total
A.	Building Footprint			
B.	Detached Garage			
C.	Accessory Structure(s)			
D.	Paved, gravel or other hard surfaced areas			
E.	Porches/Decks/Patios			
F.	Lawn or Landscape Areas			
G.	Forested/Woods/Brush/Vegetated			
H.	Other: _____			
I.	Other: _____			
<b>TOTAL</b>				

### Lot, Yard and Height Regulations (Bulk Requirements)

Item	Required	Existing	Proposed
Lot Size (acres)			
Lot Width (ft)			
Lot Depth (ft)			
Front Yard (ft)			
Side Yard - One (ft)			
Side Yard - Both (ft)			
Rear Yard (ft)			
Max. Building Coverage			
Max. Building Height			
No. of Parking Spaces			
No. Loading Berths			

**PROJECT DETAILS**

Commercial Project       Residential Project

Type of Project:

- New Construction
- Building Addition
- Attached Garage
- Conversion/Change of Use
- Alteration/Modifications
- Repairs/Maintenance
- Misc./Equipment/Other: \_\_\_\_\_

What is/are the existing use(s) for the site?

- Group A - Assembly
- Group B - Business
- Group E - Educational
- Group F - Factory/Industrial
- Group H - High Hazard Group
- Group I - Institutional
- Group M - Mercantile
- Group R - Residential
- Group S - Storage
- Group U - Utility and Miscellaneous

What is/are the proposed use(s) for the site?

- Group A - Assembly
- Group B - Business
- Group E - Educational
- Group F - Factory/Industrial
- Group H - High Hazard Group
- Group I - Institutional
- Group M - Mercantile
- Group R - Residential
- Group S - Storage
- Group U - Utility and Miscellaneous

Estimated Project Cost: \_\_\_\_\_

Estimated start date of project: \_\_\_\_\_

Estimated time to completion: \_\_\_\_\_ months

**UTILITIES**

- Electrical:       Underground       Overhead
- Sewage Disposal:       Onsite Septic       Municipal Sewer
- Potable Water:       Private Well       Municipal Water
- Combustion Fuel:       Fuel Oil       Propane       Natural Gas       Other: \_\_\_\_\_

**PERMITS/APPROVALS**

**Please specify what other permits are being applied for as a result of the proposed work;**

- |   |  |
|---|--|
| <input type="checkbox"/> Accessory Structure        | <input type="checkbox"/> Swimming Pool   |
| <input type="checkbox"/> Onsite Wastewater Disposal | <input type="checkbox"/> Sign Permit     |
| <input type="checkbox"/> Demolition                 | <input type="checkbox"/> Building Permit |
| <input type="checkbox"/> Driveway                   | <input type="checkbox"/> Other: _____    |

**Please specify what approvals or permits have been/will be obtained as a result of the project;**

- |  |   |
|--|---|
| <input type="checkbox"/> TOFE Special Use Permit | <input type="checkbox"/> NYSDEC SPDES Permit-Stormwater |
| <input type="checkbox"/> TOFE Subdivision        | <input type="checkbox"/> NYSDEC SPDES Permit-Wastewater |
| <input type="checkbox"/> TOFE Site Plan Review   | <input type="checkbox"/> NYSDOH Potable Water Well      |
| <input type="checkbox"/> TOFE Area Variance      | <input type="checkbox"/> NYSDOH Wastewater System       |
| <input type="checkbox"/> Other: _____            | <input type="checkbox"/> NYSDOH Realty Subdivision      |
| <input type="checkbox"/> Other: _____            | <input type="checkbox"/> Other: _____                   |

**SITE PLAN REQUIREMENTS**

**Will the proposed project include or alter or change site conditions related to the following (check all that apply)?**

- |   |  |
|---|--|
| <input type="checkbox"/> Traffic                  | <input type="checkbox"/> Lighting                                      |
| <input type="checkbox"/> Runoff/Drainage          | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Grading                  | <input type="checkbox"/> Utilities (electric, gas, water, sewage, etc) |
| <input type="checkbox"/> Impervious               | <input type="checkbox"/> Site Access                                   |
| <input type="checkbox"/> Building Coverage        | <input type="checkbox"/> Parking                                       |
| <input type="checkbox"/> Signage                  | <input type="checkbox"/> Landscaping                                   |
| <input type="checkbox"/> Roads/R.O.W.             | <input type="checkbox"/> Easements                                     |
| <input type="checkbox"/> Screening/Buffers/Fences | <input type="checkbox"/> Pedestrian Accommodations/Sidewalks           |

**Additional Comments:**

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**Character/Uses of surrounding or adjacent lands:**

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*A Use Variance enables the Applicant to utilize property for purposes which are not permitted by the Zoning Law. The Applicant MUST show that the Zoning Law imposes an “unnecessary hardship” on the property by preventing it from yielding a REASONABLE economic return if used for any permitted use allowed by the zoning district, and that this situation is unique to that parcel and not a general condition of the zoning district.*

**1. In order to consider the requested use variance the Applicant must demonstrate that it is not possible to realize a reasonable return, and that the lack of return is substantial as demonstrated by competent financial evidence. Please provide financial information, details, data, or commentary as it relates to achieving a reasonable return on the property for the proposed project and use, as compared to permitted uses for the parcel (attach supplemental information as necessary).**

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**2. In order to consider the requested use variance the Applicant must demonstrate that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Please provide neighborhood or other district information, details, data, or commentary as it relates to the alleged hardship relating to the property, as compared to the surrounding area (attach supplemental information as necessary).**

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**3. In order to consider the requested use variance the Applicant must demonstrate that the requested use variance, if granted, will not alter the essential character of the neighborhood. Please provide information, details, data, or commentary as it relates to the character of the neighborhood presently and, if granted, upon completion of the project and any changes which would result (attach supplemental information as necessary).**

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**4. In order to consider the requested use variance the Applicant must demonstrate that the alleged hardship related to the property is not self-created. Please provide information, details, data, or commentary as it relates to whether the hardship is/was self-created (attach supplemental information as necessary).**

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**5. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the use variance?**

Yes  No

**Please explain:**

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**Additional Comments:**

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**SIGNATURE PAGE**

**To the best of my knowledge, the statements contained in this application, together with the plans and specifications and other supporting documentation submitted are a true and complete statement of all proposed work to be done on the described premises and that all provisions of the Building Codes, the Zoning Ordinance (unless relief is granted), and all other local, state, and federal laws pertaining to the proposed work shall be complied with, whether specified or not.**

**The Zoning Board may employ consultants, legal counsel, professional engineers, and/or inspection services for their assistance and advice in the review of any application before it and for such purposes as the Zoning Board may require therefor, including but not limited to; on site investigation, evaluation and inspection, verification of the accuracy of information submitted, evaluation of the adequacy of plans, of the sufficiency of submitted reports; flood hazard evaluation; study of the impact of proposals upon the resources and environment of the Town; preparation and/or review of any environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the Zoning Board shall deem necessary for its review of such application, and for the administration of the Town, County, State, and Federal regulations in relation thereto. The Applicant authorizes the Zoning Board, as it deems necessary, to employ such assistance and agrees to reimburse the Town for the costs and fees associated with any requested consultants to assist them in their review and consideration of the application, whether it be for either technical or legal purposes. When appropriate the Zoning Board shall have the authority to request a deposit from the Applicant for the cost and fees associated with consultants in advance of the review.**

**It is understood that the Applicant shall satisfy all requirements of the use variance approval or decision and conditions applicable to such prior to any Certificate(s) of Occupancy or Certificate(s) of Compliance being issued.**

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_