



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600
Email: pbzba@unionvaleny.us

APPLICATION FOR APPEAL TO ZONING BOARD OF APPEALS

Application Date: _____

Application for (*check all that apply*): Interpretation Area Variance Use Variance

1. (*If applicable*) Application denied by Code Enforcement Officer/ Building Inspector on _____, 20____. (*Attach copy of denial.*)

2. Applicant's Name: _____

Owner of Property (*if different*) _____

Applicant's Address _____

Applicant's Phone Number _____

3. Property Location _____

Zoning District (*check one*): RD-10 RA-5 RA-3 R-1.5
 R-1 H NC TC A

Tax Map Parcel # _____

4. Request relates to the following provision(s) of the Union Vale Code:

(The Code provisions should be listed in the Code Enforcement Officer's denial letter. List all that apply and, if you are seeking an area variance, specify the extent of the variance you are seeking, for example the exact number of feet that you are seeking to reduce a setback requirement. Attach additional sheet if necessary.)

Article: _____ Section: _____ Subsection: _____ Extent: _____

Article: _____ Section: _____ Subsection: _____ Extent: _____

Article: _____ Section: _____ Subsection: _____ Extent: _____

5. **Describe in the space provided below -- or in an attachment -- the proposed project and the nature of the requested interpretation(s) and/or variance(s).**

Note the following and please read *all* instructions (## 3 and 4 apply to all applications):

1. For **variances**, tell us what you want to do and explain how the Union Vale Code prevents you from doing it. In addition to the description provided below, you must also complete a separate form (entitled either “**AREA VARIANCE APPLICATION**” or “**USE VARIANCE APPLICATION**”) for each variance you are requesting. These forms are attached.
2. If you are seeking **an interpretation in order to proceed with a project**, describe what you want to do, and explain how the Code Enforcement Officer’s interpretation of the Union Vale Code prevents you from doing it. Also explain why the Code Enforcement’s interpretation is erroneous. If you are seeking an **interpretation because you object to a proposed project**, describe the project to which you object, and explain why the Code Enforcement Officer’s interpretation of the Union Vale Code is erroneous.
3. If you are submitting any or all information in an **attachment**, indicate in the lines below if the attachment is a simple narrative or a letter (for example, from an attorney or engineering firm). If your attachment is a narrative, it should have the applicant’s name, property location, and date of the application at the top. If your attachment is a letter, identify in the lines below who the letter is from and its date.)
4. If, along with this application, you are submitting any of the “Recommended Supplements To Application” identified in the **Requirements for An Appeal to Union**

Vale Zoning Board of Appeals (including building plans, photographs, technical reports, and letters from property owners):

- a. You must refer to the supplement(s) in your description in the lines below and/or in your attached narrative or letter. If there are multiple supplements, each should be identified individually. For example, if there are multiple photographs, the photographs should be identified with a number and your description should refer to the photograph number that is pertinent.

- b. If you are submitting a technical report, it is strongly recommended that the report be prepared in accordance with *The Elements of Technical Writing* by Blake and Bly (Macmillan General Reference, A Simon & Schuster Macmillan Company, 1633 Broadway, New York, NY) Copyright 1993. Quality writing (including clarity, organization and content) enhances the effectiveness of the report, and a well written report will expedite consideration of your application.

6. Has any application for any other permit(s) affecting the property been submitted to and/or issued by any other government agency? No Yes. If yes, please list in detail (*attach separate pages if necessary*):

7. Have there been any previous appeals to the ZBA seeking the same or similar relief as requested here? If so, when, and what determination was made by the ZBA?

Applicant signature

Date

APPLICANT (please sign): _____

AREA VARIANCE APPLICATION

PLEASE COMPLETE AND ANSWER THE FOLLOWING (on a separate sheet for each variance requested, and attach additional sheets if necessary):

Will there be any undesirable change in the character of the neighborhood, or a detriment to nearby properties if this variance is granted? If yes, please describe. If not, why not?

Explain why you cannot achieve your goals via a reasonable alternative that does not involve the necessity for an area variance, or that involves a lesser variance, and explain why you believe relief from the Zoning Board of Appeals is necessary and justified. Describe alternatives that might reduce the extent of the variance or eliminate the need for the variance. If there are no alternatives, explain why not. If there are alternatives, explain the features that distinguish the alternatives (for example with respect to size, placement, materials, etc.), and explain why you did not choose any such alternative.

Is the variance substantial? Please explain the basis for your conclusion.

APPLICANT (*please sign*): _____

Will the variance have any adverse impact on physical or environmental conditions in the neighborhood or district? If yes, please describe. If not, why not?

Is this a self-created difficulty? Please explain your answer.

APPLICANT (please sign): _____

USE VARIANCE APPLICATION

An applicant for a Use Variance must prove that the applicable zoning regulations and restrictions have caused “unnecessary hardship.” By law, in order to prove “unnecessary hardship,” the Applicant must demonstrate that, **for each and every permitted use under the zoning regulations for the particular district where the property is located, four tests are met.** (Schedules of permitted uses in each zoning district can be found on the ZBA website. ([Residential Districts](#); [Commercial Districts](#)))

The Zoning Board of Appeals is not authorized to issue a Use Variance unless it finds that **each** of the four tests is proved. The four tests are described below. After each description is a space for you to demonstrate how you satisfy it. **Be specific as to the kind of proof you intend to provide.** (*Use extra sheets as needed.*)

It is strongly recommended that applicants familiarize themselves with the section on Use Variances contained in the publication Zoning Board of Appeals, James A. Coon Local Government Technical Series, New York State Division of Local Government Services (pp. 10-16), which is available on the ZBA website ([NYS Zoning Board of Appeals Guidelines](#)).

1. Test # 1: Deprivation of “Economic Use of Benefit”/Reasonable Return

The applicant cannot realize a reasonable return under existing permissible uses, provided that the lack of return is substantial as demonstrated by competent financial evidence.

2. Test # 2: Uniqueness

The alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood.

APPLICANT (*please sign*): _____

3. Test # 3: Essential Character of the Neighborhood

The requested use variance, if granted, will not alter the essential character of the neighborhood.

4. Test # 4: Self-Created Hardship

The alleged hardship has not been self-created.
