

**Town of Dix**

**Town Hall – 2266 County Road 17, Watkins Glen, NY 14891**

**Telephone: (607) 535-7973**

**Fax: (607) 535-2590**

**Town Clerk, Extn. 201**

**Administration, Extn. 202**

**Code Enforcement, Extn. 205**

**APPLICATION FOR ZONING BOARD OF APPEALS REVIEW**

**(Please print or type.** Submit the completed form with fee payment to the Dix Code Enforcement Officer. Read and understand the evaluation criteria provided on page 3. Instructions are provided on page 4.)

Reason for review request:

- Use Variance (for a use not permitted in the subject district)
- Area Variance (setbacks, height, lot size, etc.)
- Other: \_\_\_\_\_

Applicant: \_\_\_\_\_ Tax Map ID: \_\_\_\_\_

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

Contact Person: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Bus. Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

➔ Did the owner own the property prior to January 26, 2007?  Yes  No

Complaint or relief sought: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree to be present or have a representative appear on my behalf at any meeting of the Dix ZBA regarding my request and to provide additional information as necessary to process my request. If a representative is to appear on my behalf, I will provide the Board with a written authorization for such representative.

By: \_\_\_\_\_ Date: \_\_\_\_\_

*Applicant*

# Town of Dix

## Fee Schedule

*(Fees must be paid before the application will be considered. Make the check payable to Town of Dix.)*

Area Variance	\$30.00
Use Variance	\$30.00
Public Hearing (per occasion)	\$20.00

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### **OFFICIAL USE ONLY**

Applicant: \_\_\_\_\_ Tax Map ID: \_\_\_\_\_

Fee Total: \_\_\_\_\_  Paid Date Received: \_\_\_\_\_ By: \_\_\_\_\_  
*Initials*

Fee Total: \_\_\_\_\_  Paid Date Received: \_\_\_\_\_ By: \_\_\_\_\_  
*Initials*

### **Resolution**

Approved

Approved with the condition that: \_\_\_\_\_

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

Denied because: \_\_\_\_\_

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
*For the Board*

# *Town of Dix*

## Evaluation Criteria

UNDER NEW YORK TOWN LAW SECTION 16, § 267-b THE ZONING BOARD OF APPEALS WILL APPLY THE FOLLOWING CRITERIA IN THE CONSIDERATION OF THIS APPLICATION:

### **For Use Variance**

A use variance shall not be granted by the Zoning Board of Appeals without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant must demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located that all of the following criteria are met:

- The Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- 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.
- That the requested use variance, if granted, will not alter the character of the neighborhood.
- That the alleged hardship has not been self-created.

### **For Area Variance**

In making its determination, the Zoning Board of Appeals 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 Board shall also consider:

- 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 variance.
- Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance.
- Whether the requested area variance is substantial.
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

# *Town of Dix*

## **The ZBA Review Process**

The copies of the completed application and required supplemental documentation should be submitted to the Code Enforcement Officer at the Dix Town Hall on Seventh St. The ZBA meets on Saturday at 9 PM at the Dix Town Hall after an application has been received and the meeting date has been posted. Upon approval by the Board, 19 additional copies of all documents 11" x 17" and under will be necessary for use by the Schuyler County Planning Commission for their review. Only 2 copies of larger drawings and maps are necessary. The County's review is for advisory purposes only, but it weighs heavily on the Board's decision. The Dix Zoning Board of Appeals decision becomes final after the County's review has been completed and a public hearing has been held.

The County Planning Commission meets the 2<sup>nd</sup> Thursday of each month, 7 PM at the Schuyler County Human Services Complex, Room 120, at 323 Owego St., Montour Falls, NY 14865. Meetings are open to the public. Mail should be directed to Kristin E. VanHorn, Director of Planning and Community Development. The phone is 607-535-8211.