

## Town of Waterford Zoning Board of Appeals

### PROCEDURES FOR APPEALS AND VARIANCES INSTRUCTION SHEET

ALL FORMS MUST BE TYPEWRITTEN FOR LEGIBILITY AND MUST CONTAIN COMPLETE ADDRESS, INCLUDING ZIP CODE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED.

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For a Variance in reference to residential or commercial structures, including accessory structures.

1. Submit one copy of the completed Zoning Verification Form.
2. Complete one "Appeal From Decision of Administrative Official Applying for Variance" form. **THIS FORM MUST BE NOTARIZED.** You must include **two** copies with your submittal.
3. Complete "Environmental Assessment Form."
4. Submit five copies of plot plan showing all dimensions of building, yard (front, side, and rear) set backs, of buildings(proposed and existing), lot size, area, and streets. Submit any information that may be of any value to the Zoning Board of Appeals in making a decision of your appeal.
5. Submit Variance fee to process appeal--make check payable to the Town of Waterford:  
(A) Residential- \$200.00; or (C) Industrial or Commercial- \$275.00
6. Submit completed paperwork no later than **14 days prior** to the next scheduled meeting to the Secretary of the Zoning Board c/o Town Hall. You will be contacted by the Secretary, via mail, when you are placed on the agenda.
7. The Zoning Board of Appeals holds public meetings on the third Tuesday of every month at 6:30 p.m. in Town Hall.

#### THE APPLICANT MUST APPEAR AT THE PUBLIC MEETING AND HEARING

8. Upon granting a variance, the applicant shall obtain final approval from the Planning Board (if necessary) and a Building Permit must be obtained from the Building Department before starting any work.

**PROOF OF FEE PAYMENT MUST ACCOMPANY PAPERWORK OR APPLICATION WILL NOT BE REVIEWED. NO EXCEPTIONS. SEE FEE SCHEDULE FOR MEETING FEES.**

**APPEAL FROM DECISION OF ADMINISTRATIVE OFFICIAL  
APPLYING FOR VARIANCE**

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Board of Appeals  
Town of Waterford  
Appeal and Petition for Variance  
Under Zoning Ordinance

\_\_\_\_\_, 20\_\_\_\_

To the Board of Appeals  
Town of Waterford

\_\_\_\_\_ (being) \_\_\_\_\_ (owner)  
1. The undersigned, (representing the (lessee) of (identify property by lot and block or otherwise) \_\_\_\_\_  
located at \_\_\_\_\_  
\_\_\_\_\_ hereby gives notice of appeal from the decision of the (Building Inspector) made on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in refusing to issue a \_\_\_\_\_  
\_\_\_\_\_ on the ground that the same would be in violation of the provisions of  
Chapter \_\_\_\_\_, Subsection \_\_\_\_\_ of the Code of the Town of Waterford for the following stated  
reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Appellant alleges:  
(a) That there are unusual circumstances and conditions affecting said property that are peculiar to said  
property and do not apply generally to other property in the vicinity, which circumstances and conditions  
are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(b) That by reason of the aforesaid unusual and peculiar circumstances and conditions, there are (practical  
difficulties) (unnecessary hardships) in carrying out the strict letter of the aforesaid provisions of the building  
ordinance as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Because of the aforesaid alleged facts, appellant petitions the Board of Appeals, in acting on this appeal, to  
vary or modify the strict application of the aforesaid provisions of the Building Zone Ordinance to said  
property, to the following specific extent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached hereto is a plot plan of said property, showing \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ together with \_\_\_\_\_  
\_\_\_\_\_

4. Appellant further alleges that such variance would be in harmony with the spirit of the Building Zone and would not be detrimental to property or persons in the neighborhood and that the public safety and welfare would be secured and substantial justice done by the granting of such variance, for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Appellant agrees that if said appeal is granted, it will be conformed to within time frames as stated by the Approval of the Board and recorded in the approving resolution or said variance granted thereunder will be null and void.

STATE OF  
COUNTY OF

SS:

Signed \_\_\_\_\_  
(owner) (lessee)

Mailing  
Address \_\_\_\_\_

Owner or lessee(if different than above):

Name \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

\_\_\_\_\_ being duly sworn deposes and says that he is the applicant above named. He is the \_\_\_\_\_ of said owner or owners, and is duly authorized to perform or have performed the said work and to make and file this application; that all statements contained in this application are true to the best of his knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filled therewith.

Sworn to before me  
this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County

\_\_\_\_\_  
(signature of applicant)

**FOR OFFICIAL USE ONLY**

**TO THE APPLICANT:**

Your application for a Variance/Special Use Permit has been **APPROVED** with the following conditions:

Your application for a Variance/Special Use Permit has been **DENIED** due to the following:

\_\_\_\_\_  
Signature of Chairman

\_\_\_\_\_  
Date

Statutory Criteria from New York State Town Law for Consideration in the Granting of Variances

Use Variances:

“No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) 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; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

Area variances.

“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 determination the board shall also consider: (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 method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed 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, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.”