

ZONING BOARD OF APPEALS APPLICATION INSTRUCTIONS AND PROCEDURES

- Regular meetings of the Zoning Board are held on the 3rd Monday of each month at 7:00 P.M. at the Town of Barre Office, or such other time or place as the Chairman of the Board may determine from time to time.
- All pertinent questions on the application must be answered, and all information required shall be concisely stated. Additional statements may be added if needed on the back of the application or on a separate sheet of paper.
- The final date for filing applications shall be the 1st day of the month preceding the Zoning Board of Appeals meeting.
- Applications shall be accompanied by 8 copies of a plot plan and the appropriate fee. Checks should be made payable to *Town of Barre*.
- Plot plans shall be drawn to scale, accurately showing lot dimensions, area, yard dimensions, location and size of all existing and proposed buildings on the property. Surveyor's maps are preferred and may be required in some cases.
- The Appellant (Applicant) or an authorized agent must attend the meeting, present the facts of the case and be prepared to answer questions. It is extremely important that all the facts and details be presented clearly and correctly, with as much supporting evidence as possible.

Personal preferences, emotional issues and self-created difficulties are not proper or sufficient grounds for granting a variance. The Board must base their decision on the facts found during the hearing and review of the case.

Some examples are as follows:

- a. If topographical conditions are claimed as a hardship, provide photographs and/or a topographic map with cross-section showing existing and required grades.
 - b. If pre-existing conditions are involved, provide evidence in the form of survey maps, property records, eye witness testimony, etc to support the claim.
 - c. If financial considerations are involved, present actual dollar figures such as cost of dirt for filling, cost of moving a structure, costs of upkeep and repair, etc. Your figures should be supported by documents such as estimate sheets, price quotations, or business records.
- On an application for a re-hearing, the appellant must allege new facts and provide proof of them at the hearing.
 - **THE ZONING BOARD, IN ITS DISCRETION, MAY DISMISS AN APPEAL (WITHOUT PREJUDICE) FOR FAILURE TO COMPLY WITH ANY OF THE FOREGOING.**

VARIANCE INFORMATION

AREA VARIANCE

An area variance seeks relief from a dimensional requirement imposed by the Town of Barre Zoning Regulations.

The applicant must show proof that he has practical difficulty if he is required to be in strict compliance with the Zoning requirements.

The Zoning Board of Appeals must consider the following in their deliberations:

- Will the requested variance be detrimental to nearby properties?
- Will an undesirable change occur in the character of the neighborhood?
- Are there any other feasible alternatives to achieve the benefit sought?
- Is the requested variance substantial?
- Will the variance cause adverse effects on the physical and/or environmental conditions in the neighborhood?
- Is the difficulty self-created? (Although relevant, this does not necessarily preclude granting the variance)

In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. If the area variance is granted, it shall be the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

USE VARIANCE

A use variance allows property to be used for a type of land use which is prohibited on the particular parcel by the Town of Barre Zoning Regulations.

The applicant must show that under existing zoning regulations, the property suffers unnecessary hardship (usually financial). This does not mean financial profit; it means unreasonable financial investment to use the property.

The Zoning Board of Appeals must consider the following in making their determination:

- The property owner cannot realize a reasonable return from **any use permitted** in the particular District.
- The landowner has circumstances unique to his property.
- The use will not alter the essential character of the locality.
- Unnecessary hardship is not valid if it is created by the applicant.

In making its determination the Zoning Board of Appeals shall grant the minimum use variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

IMPOSITION OF CONDITIONS

The Zoning Board of Appeals, in the granting of both area variances and use variances, has the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Regulations, and shall be imposed for the purpose of minimizing any adverse impact that such variance may have on the neighborhood or community.

**TOWN OF BARRE
APPLICANT ACKNOWLEDGEMENT**

Date: _____

Applicant: Name: _____
 Address: _____
 Telephone: _____

Subject Property: Address: _____
 Tax Account No. _____

Referral To:

Planning Board
 _____ Special Permit
 _____ Site Plan Review
 _____ Subdivision Review

Zoning Board
 _____ Area Variance
 _____ Use Variance

Applicant shall reimburse the Town of Barre for all engineering, legal, or other extraordinary or unanticipated expenses incurred by the Town in review of the proposed action. The applicant shall reimburse the Town as expenses are incurred.

Where such expenses are estimated to be greater than \$1,000, the appropriate Board will require an escrow account be established in an amount determined by such Board. The escrow account will be replenished as expenses are paid by the Town.

All monies due the Town of Barre shall be paid in full before issuance of any required permit OR within thirty (30) days of final action taken by the appropriate Board.

I, _____ have read the above statement and agree to the terms and conditions thereof.

Applicant's Signature

Date

**TOWN OF BARRE
ZONING BOARD OF APPEALS**

**APPLICATION FOR PUBLIC HEARING
(See Instructions and Procedures Attached)**

Date Received: _____

Article VIII, Section 811 of the Town of Barre Zoning Regulations states that all variances shall be revoked unless a building permit is obtained within six (6) months of the date of approval by the Zoning Board of Appeals and construction commenced within one year of such date of approval.

1. I (we) hereby apply to the Zoning Board of Appeals:

_____ for an interpretation of the Code _____ to grant an area variance* _____ to grant a use variance
Pursuant to Section _____ of the Town of Barre Zoning Regulations.

*Enter Footage requested for all that apply: Front Setback _____; Rear Setback _____; Side Setback _____

2. LOCATION: Address _____ Lot No. _____
Current Zoning: _____

3. OWNER: _____ Telephone: _____

Address: _____ Zip: _____

APPLICANT: _____ Telephone: _____

Address: _____ Zip: _____

AGENT: _____ Telephone: _____

Address: _____ Zip: _____

If the applicant is not the owner or if there is an applicant/agent, please explain:

4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST: _____

5. DESCRIBE ANY UNDUE HARDSHIPS THAT WOULD BE CREATED BY STRICT APPLICATION OF THE CURRENT REGULATIONS: _____

6. DESCRIBE HOW GRANTING OF YOUR REQUEST WOULD NOT CHANGE THE APPEARANCE OR CHARACTER OF THE NEIGHBORHOOD: _____

(Use back if additional space is needed for any of the above)

SIGNATURE: _____ DATE: _____

_____ DATE: _____

AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: _____
Mailing address: _____

B. Description of the proposed project: _____

C. Project site address: _____ Town: _____

D. Project site tax map number: _____

E. The project is located on property:
 within an Agricultural District containing a farm operation, or
 with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: _____

G. Is any portion of the project site currently being farmed?
 Yes. If yes, how many acres _____ or square feet _____?
 No.

H. Name and tax parcel identification number or address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above. Web-mapping available at tinyurl.com/MapOrleans.

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**FARM NOTE**  
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Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

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\_\_\_\_\_  
Name and Title of Person Completing Form

\_\_\_\_\_  
Date