

**TOWN OF LUMBERLAND, NEW YORK
ZONING BOARD OF APPEALS APPLICATION**

AREA VARIANCE

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, and as precisely as possible. Failure to submit a complete application may result in a delay in being placed on a ZBA agenda or a decision from the Zoning Board.

PART 1

Attached for your convenience is a copy of Town of Lumberland Code 250-65 which outlines what guidelines the Zoning Board of Appeals is required to follow for granting a variance.

PROPERTY ADDRESS: _____

COUNTY TAX MAP NUMBER (SBL): _____

ACREAGE _____ **ZONING DISTRICT** _____

OWNER INFORMATION (COMPLETE ONLY IF APPLICANT IS NOT THE OWNER OF THE PROPERTY)

NAME _____ **ADDRESS** _____

PHONE _____
CITY STATE ZIP

FAX _____ **E-MAIL** _____

APPLICANT INFORMATION

NAME _____ **ADDRESS** _____

PHONE _____
CITY STATE ZIP

FAX _____ **E-MAIL** _____

RELATIONSHIP OF APPLICANT TO PROPERTY: _____

PROFESSIONAL INFORMATION (ENGINEER, ARCHITECT, SURVEYOR)

NAME _____ **ADDRESS** _____

PHONE _____
CITY STATE ZIP

FAX _____ **E-MAIL** _____



BRIEF HISTORY OF PROPERTY: (HISTORIC USE OF PROPERTY, OWNERSHIP HISTORY, ETC.)

DESCRIPTION OF PROPOSED ACTION: (include size, placement and setbacks)

WILL THE PROJECT CREATE AN UNDESIREABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD? EXPLAIN.

CAN YOU ACHIEVE THE BENEFIT BY ANY METHOD OTHER THAN THE VARIANCE? EXPLAIN.

WILL THE PROPOSED VARIANCE HAVE AN ADVERSE IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD? EXPLAIN.

IS YOUR DIFFICULTY SELF CREATED? EXPLAIN.

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT UNINTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

Signature (Applicant)

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER(S) IN FURTHERANCE OF THE REQUEST.

Signature (Owner)

Date

PART 2

OWNERS PROXY

_____ BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE RESIDES
AT _____, IN THE COUNTY OF _____, AND STATE OF _____
_____ AND THAT HE/SHE IS (THE OWNER IN FEE) OR
_____ (OFFICIAL TITLE) OF THE _____ CORPORATIONS
WHICH IS (THE OWNER IN FEE) OF THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT/HE
SHE HAS AUTHORIZED _____ TO MAKE THE
FOREGOING APPLICATION FOR SITE PLAN APPROVAL AS DESCRIBED HEREIN AND THAT HE/SHE AGREES TO BE
BOUND BY ALL STATEMENTS, CONDITIONS AND REPRESENTATIONS CONTAINED THEREIN AS IF HE/SHE HAD
SO PETITIONED.

OWNER'S SIGNATURE

STATE OF NEW YORK)

SS:

COUNTY OF SULLIVAN)

SWORN TO BEFORE ME THIS

_____ DAY OF _____, 2_____

NOTARY PUBLIC – STATE OF NEW YORK

PART 3

SITE INSPECTION AUTHORIZATION

I HEREBY GIVE PERMISSION TO MEMBERS OF THE ZONING BOARD OF APPEALS OF THE TOWN OF
LUMBERLAND, THE ENGINEER REPRESENTING THE TOWN OF LUMBERLAND, THE ATTORNEY FOR THE TOWN
OF LUMBERLAND, OR ANY OF THEIR AGENTS AND/OR ASSIGNS TO ENTER UPON MY PROPERTY, LOCATED
AT _____, TOWN OF LUMBERLAND, STATE OF NEW YORK, COUNTY OF
SULLIVAN, DEISGNATED UPON THE TAX ROLLS OF THE TOWN OF LUMBERLAND AS SECTION _____ BLOCK
_____ LOT(S) _____, IN ORDER TO PERSONALLY INSPECT SAID PREMISES IN ORDER
TO EVALUATE THE APPLICATION FOR _____
AFFECTING THE SAID PREMISES.

SIGNATURE OF OWNER OF PROPERTY

DATE

PRINT NAME OF OWNER OF PROPERTY

PART 4

In order for the Town of Lumberland Zoning Board of Appeals to review your application the Board may require that you place in escrow sufficient funds to be used to reimburse costs incurred by the Town for all consultant review required throughout the entire Zoning Board of Appeals process as per Town of Lumberland Code 250-84. The final plans will not be signed by the ZBA Chairman until all fees are paid as requested by the ZBA Clerk.

The escrow account does not provide for other scheduled applications and filing fees set forth in Chapter 250 and elsewhere, for which the applicant must also make timely payment to the Town

For your records, copies of invoices detailing services rendered will be forwarded to you by the Planning Board Clerk upon request.

Upon completion of the review process, all conditions are met and the plans are signed by the ZBA Chairman, the unused escrow will be refunded.

The Applicant agrees to the terms and conditions herein:

Applicant Name (Print)

Applicant (Signature)

Date

PART 5

SECTION 809 OF THE GENERAL MUNICIPAL LAW PROVIDES AS FOLLOWS:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, address and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such applications, petition or request (hereinafter the "Applicant") to the extent known to such Applicant.
 2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the Applicant when he/she, his/her spouse, or his/her brothers, sisters, parents, children, grandchildren or the spouse of any of them
 - a. Is the Applicant, or
 - b. Is an officer, director, partner or employee of the Applicant, or
 - c. Legally or beneficially owns or controls stock of a corporate Applicant or is a member of a partnership or association Applicant, or
 - d. Is a party to an agreement with such an Applicant, express or implied, whereby (he/she) may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
 3. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.
- In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence and the nature and extent of the interest of any state officer or employee of the Town of Lumberland, and/or the County of Sullivan, in they person, partnership or association making the application, petition or request (the Applicant)
- () None
- () Names: Address: Relationship or interest (financial or otherwise)
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This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board of Officer or Political Subdivision of the Municipality

() ZONING BOARD OF APPEALS

Applicant Signature

Date

APPLICATION ATTACHMENTS

- \$60.00 application fee (check or money order payable to Town of Lumberland)
- Site plans with setbacks

Town of Lumberland Zoning Code

Section 250-65 – Required Considerations in Granting Area Variances

B. Required considerations in granting an area variance.

(1) "Area variance" shall mean the authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

(2) In making determination, the 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 the welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider:

- (a) 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;
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) Whether the requested are variance is substantial;
- (d) Whether the proposed are variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (e) 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.

C. Minimum area variance to be granted. The Board of Appeals in the granting of area variances shall grant only 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.

D. Additional required submissions for area variance. In addition to the information required for all applications set forth in 250-60C above, applications for an area variance shall contain a typewritten narrative explaining what the application is for and how the development project meets or exceeds all of the criteria for an area variance.