



*Town of Rotterdam*  
*Zoning Board of Appeals*

## AREA VARIANCE APPLICATION AND PROCEDURES

Application Fee: Undeveloped Property	\$400
Developed Property	\$200

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### PART I

#### PROCEDURES FOR APPLYING FOR A VARIANCE

1. The applicant must complete the following and present ten (10) complete sets to the Public Works Department. Complete applications must be received at least twenty-one (21) days prior to the meeting to allow application process. The permitting process for an application will take an average of 30 to 60 days to complete depending on the date of submittal of a complete application.
  - a. An application for a variance (see attached);
  - b. A scaled drawing showing, in detail, the site of the proposed use in which a variance is needed.
    1. Vicinity map
    2. Legal Description of property (be as complete as possible)
    3. Map or plot plan of the layout of property and proposed use including the following:
      - a. Scale of drawing.
      - b. North arrow.
      - c. Location of the proposed project including existing and proposed structure dimensions and distances to property lines.
      - d. Location of all proposed and existing utilities including power, water, septic tank and drainfield. **\*\*\* If your Variance Request involves the construction of an on-site septic system, your application must be accompanied by percolation test results shown on the site plan map and performed by a licensed engineer. This test must be witnessed by the Schenectady County Health Department and a Rotterdam Building Inspector. Failure to provide this information will result in your application being deemed incomplete\*\*\***
      - e. Off street parking (if applicable).
      - f. Location of all proposed and existing roads providing access to property, driveways, parking areas, rights-of-way and easements.
      - g. Location of any distinguishing physical features located on the property including but not limited to streams, culverts, drainage ways, wetlands, bluffs, etc.
      - h. Location and names of all adjoining landowners. (Call DPW at (518) 355-7575 ext.395 for assistance, if needed)
  - c. A check for two hundred dollars (\$200) for developed property or four hundred dollars (\$400) for undeveloped property made payable to "Town of Rotterdam" and submitted with the completed application. This fee is non-refundable.
  - d. An Environmental Assessment Form or Checklist may be required to identify impacts from your proposal.
  - e. Either the applicant or the Department depending on the type and scope of the application may request a meeting with the Department of Public Works. These meetings occur on a weekly basis.

2. Please note that if you are requesting a Variance to the setback requirements, you may be required to make changes to the building to comply with the Uniform Building Code, Uniform Fire Code, and Americans with Disabilities Act, etc. **You must apply for a Commercial/Residential Building Permit prior to or simultaneously with the acceptance of a Variance Application.**
3. The Department of Public Works Staff will do the following:
  - a. Schedule and conduct meetings with the applicant as needed.
  - b. Mail copies of the application materials to various agencies to solicit comments and/or requirements.
  - c. Provide the Zoning Board of Appeals with written and verbal comments on the proposal.
  - d. Compose and publish legal notice of the public hearing for the variance request according to the requirements of the law.
  - e. Mail notice of the open record hearing to the applicant and the applicant's representative, and any person who submits written or oral comments on the application prior to the hearing.
  - f. Prepare documents for review by Zoning Board of Appeals members prior to the meeting/hearing in order to allow board members sufficient time to review the material and conduct site visits.
4. **The Zoning Board of Appeals** meets on the third (3<sup>rd</sup>) Wednesday of the month. The application will be heard before the Board at an open record public hearing. The applicant or representative shall be present to answer any questions the Board members have relative to the proposed use. You will be notified as to what date your application will be heard before the Board of Appeals.
5. **Hearing:** After the open record public hearing and based upon findings of fact, the Zoning Board of Appeals will determine whether the variance is to be granted, granted with conditions, or denied. Written notification of the decision is then mailed to the applicant within 45 days after the issuance of the Decision. Upon receipt of written confirmation that the conditions of approval, if any, have been met, your variance will be granted.
6. **Time Frame for Decision:** Once the application is deemed complete, the review process will begin. Provided there is no continuation of the application, a decision on the variance should be made within ninety (90) days, subject to an open record public hearing.

**All requested information shall be provided and must be filled out in ink or typed for photocopying purposes**

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**PART II**

**VARIANCE APPLICATION**  
General Information

Legal Owner's Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Project/Proposal Site Area (Acres or sq. ft.): \_\_\_\_\_

Assessor Tax Parcel No.(s) of Proposal Site: \_\_\_\_\_

Adjacent Area Owned or Controlled (Acres or sq. ft.): \_\_\_\_\_

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: \_\_\_\_\_

Name and Address of All Adjacent Landowners:

NAME: \_\_\_\_\_  
ADD: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Street Address of Proposed Site (if any): \_\_\_\_\_  
\_\_\_\_\_

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Zoning Classification: \_\_\_\_\_

School District: \_\_\_\_\_

Fire District: \_\_\_\_\_

Water Supply \_\_\_\_\_

**Existing/Proposed Use of Property:**

- |                                                                                        |                                                  |
|----------------------------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> <b>A1</b> One-family dwelling                                 | <input type="checkbox"/> <b>C1</b> Business      |
| <input type="checkbox"/> <b>A2</b> Two-family dwelling                                 | <input type="checkbox"/> <b>C2</b> Mercantile    |
| <input type="checkbox"/> <b>B1</b> Multiple Dwelling (permanent occupancy)             | <input type="checkbox"/> <b>C3</b> Industrial    |
| <input type="checkbox"/> <b>B2</b> Multiple Dwelling (transient occupancy)             | <input type="checkbox"/> <b>C4</b> Storage       |
| <input type="checkbox"/> <b>B3</b> Multiple Dwelling (senior citizen housing)          | <input type="checkbox"/> <b>C5</b> Assembly      |
| <input type="checkbox"/> <b>B4</b> Multiple Dwelling (adult residential care facility) | <input type="checkbox"/> <b>C6</b> Institutional |
| <input type="checkbox"/> <b>C7</b> Miscellaneous                                       |                                                  |

LEGAL INFORMATION

Location of Proposal Site (General description by which direction and how far from roads and intersections and other community features): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Public Road (s) providing access: \_\_\_\_\_  
\_\_\_\_\_

Width of Property Fronting on Public Road: \_\_\_\_\_

I have attached a legal description of the proposed site: ( ) yes ( ) no

Section(s) of the zoning ordinance under which a variance is requested:  
\_\_\_\_\_

Purpose for the requested variance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted:

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Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives:

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Is your request a substantial variance from the ordinance? Please explain:

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Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain:

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Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship):

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*If you have any additional comments, please attach them on a separate sheet of paper.*

