

**TOWN OF ATHENS, NEW YORK
ZONING BOARD OF APPEALS (ZBA)**

APPLICATION PROCESS

- 1) Provide a complete Application, clearly identify what Variance(s) are being applied for: Interpretation, Area Variance, and/ or Use Variance
Review the Application with the Code Enforcement Officer
- 2) Obtain a Plot Map (from the Assessor's Office; or from the Greene County Image Mate Online site: <https://greene.sdgnys.com/search.aspx>) and provide a diagram of changes being requested with detailed measurements
- 3) Attach the plot map with diagram and measurements (of current and proposed structures) to the Application package
- 4) With the assistance of the Assessor identify ALL neighboring property Owner's within 500' of the property lines
- 5) If you are not the Owner of the Property that is subject of the Zoning Variance Request provide a completed Owner's Consent Form
- 6) Provide payment made payable to the: Town of Athens
- 7) Include any additional information, photographs, topographical information, etc. that you feel may help in describing existing conditions, and your application.

For an Application to be placed on the Zoning Board of Appeals Agenda ALL OF THE ABOVE must be completed and provided to the Code Enforcement Office no later than the first Tuesday of the month in order to be included on the following ZBA agenda.
NO EXCEPTIONS SHALL BE PERMITTED.

NOTES:

ZBA Meetings are typically held the second Wednesday of the month

Reference Information:

<https://dos.ny.gov/system/files/documents/2021/09/guidelines-for-applicants-to-the-zoning-board-of-appeals.pdf>

**TOWN OF ATHENS
ZONING BOARD OF APPEALS**

**APPLICATION
OWNER CONSENT**

I, _____
PRINT OWNER'S NAME(s)

RESIDING AT: _____
PRINT OWNER'S ADDRESS

BEING THE OWNER OF: _____
PROPERTY ADDRESS OR TAX MAP ID#

HEREBY AUTHORIZE: _____
AGENT

WHOSE MAILING ADDRESS IS: _____
AGENT ADDRESS

TO APPEAR BEFORE THE ZONING BOARD OF APPEALS TO THE TOWN OF ATHENS, NEW YORK, AND TO FILE ANY DOCUMENTS
REQUIRED WITH REFERENCE TO MY APPLICATION FOR:

I HEREBY AGREE TO ALLOW MY AGENT, WHOSE NAME APPEARS ABOVE, TO ACT ON MY BEHALF AND I FURTHER AGREE TO
ABIDE BY ANY REQUIREMENTS IMPOSED BY THIS BOARD AS A CONDITION OF THEIR APPROVAL.

OWNER SIGNATURE

DATE

SWORN TO BEFORE ME THIS: _____

DAY OF: _____ 20 _____

NOTARY PUBLIC

**TOWN OF ATHENS
ZONING BOARD OF APPEALS**

**APPLICATION
Zoning Interpretation; Use Variance, and Area Variance**

Note: Applicant should consult Section 267 through 267-b of the Town Law of the State of New York for procedures and definitions

Date: _____
Applicant's Name: _____
Phone Number: _____
Email Address: _____
Applicant's Address: _____
Property Address: _____
Tax Map Parcel ID(s): _____
Parcel Size (acres): _____

Zoning Designation (Confirm with Code Enforcement Officer):

Ag MUC L-1 L-2 OS H Rr Ru Ru-1 RU-385

Hollister Lake Watershed Overlay

Green Lake Watershed Overlay

Black Lake Watershed Overlay

Reference Zoning Map: <https://ecode360.com/attachment/AT1724/AT1724-180c%20Zoning%20Map.pdf>

Set back requirements (Confirm with Code Enforcement Officer)

Front: _____
Side: _____
Rear: _____

Is the Applicant the Owner of the Property: YES NO
If not, provide the Owner's Name: _____
If not has an Owner Consent been provided: YES NO

Do you authorize members of the Zoning Board of Appeals to visit the property in furtherance of this Application? YES NO

Print Name: _____

Signature: _____

Date: _____

Is the Application for the purpose of (Zoning) Interpretation YES NO

Explain question(s):

Previous Appeal

Is this an appeal to the Zoning Board of Appeals (ZBA) from the decision of the Code Enforcement Officer on a building permit application?

YES _____

NO _____

IF YES, THEN PROVIDE APPLICATION NUMBER:

EXPLAIN TYPE OF PERMIT REQUESTED:

DATE OF APPLICATION BEING APPEALED:

EXPLAIN REASON FOR REJECTION & REASONING FOR APPEAL OF THE REJECTION; PROVIDE A COPY OF THE DECISION BEING APPEALED :

HAS THERE BEEN A PREVIOUS APPEAL?

YES _____

NO _____

IF YES, WHEN WAS THE APPEAL MADE?

DATE:

IS YES, WHAT WAS THE NATURE OF THE PRIOR APPEAL(S)?

REQUESTED INTERPRETATION

YES / NO

DATE:

REQUESTED VARIANCE

YES / NO

DATE:

Type of Variance Requested:

USE Variance:

YES / NO

IF NO SKIP TO NEXT SECTION

An applicant for a USE Variance must prove that the applicable zoning regulations and restrictions have caused "Unnecessary hardship." By law, in order to prove "Unnecessary hardship," the Applicant must demonstrate that four tests are met for each and every permitted use under the Town of Athens zoning regulations for the particular district where the property is located.

The Zoning Board of Appeals is not authorized to issue a Use Variance unless it finds that each of the four tests is proved.

The four tests are described below.

After each description is a space for you to demonstrate how you meet the test. Explain why you believe relief from the Zoning Board of Appeals is necessary and justified. Attach additional pages as necessary. Please be as specific and detailed as possible, use extra sheets as needed.

The Board of Appeals, in the granting of use variances, shall grant the minimum 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.

Provide a brief explanation of the Non-conforming Use requested:

Describe the proposed project and the nature of the USE variance(s) being sought. Tell us what it is you want to do and explain how the Town of Athens Zoning Code prevents you from doing it.

1. Test # 1: "Economic Use/ Reasonable Return"

The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.

2. Test # 2: Uniqueness

The alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood.

3. Test # 3: Character of the Neighborhood

The requested use variance, if granted, will not alter the essential character of the neighborhood.

4. Test # 4: Self-Created Hardship

The alleged hardship has not been self-created.

List any churches, public buildings, playgrounds, recreation facilities within 500' of the property lines of the above referenced property

List any wetlands, or protected lands within 500' of the above referenced property

Type of Variance Requested:

AREA Variance:

YES / NO

Describe the proposed project and the nature of the AREA variance(s) being sought. Tell us what it is you want to do and explain how the Town of Athens Zoning Code prevents you from doing it.
Describe alternatives you have considered with respect to size, placement, etc., and explain why you believe relief from the Zoning Board of Appeals is necessary and justified. (Attach additional pages as necessary.)

1. Will there be any undesirable change in the character of the neighborhood, or a detriment to nearby properties if this variance is granted? If yes, please describe. If not, why not?

2. Can you achieve your goals via a reasonable alternative which does not involve the necessity of an area variance? If yes, please describe. If not, why not?

3. Is the variance substantial? Please explain the basis for your conclusion.

4. Will the variance have any adverse impact on physical or environmental conditions in the neighborhood or district? If yes, please describe. If not, why not?

5. Is this a self-created difficulty? Please explain your answer.

List any churches, public buildings, playgrounds, recreation facilities within 500' of the property lines of the above referenced property

List any wetlands, or protected lands within 500' of the above referenced property

List any County/ State lands or Highways within 500' of the above referenced property
