



VILLAGE of SCOTIA

BUILDING & CODE DEPARTMENT

VILLAGE HALL
4 NORTH TEN BROECK ST.
SCOTIA, N.Y. 12302

Building Inspector Luis Aguero

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VILLAGE OF SCOTIA ZONING BOARD OF APPEALS AREA AND USE VARIANCE GUIDE (6/16/98)

APPLICANT: Must be the owner, or;
Have a valid contract to act on behalf of the owner, or;
Have a conditional sales agreement contingent upon obtaining a variance, or;
Have written permission to represent the owner at ZBA hearings.

REVIEW FACTORS

AREA VARIANCES: Where because of “practical difficulty” an applicant requests a variance of the “lot area” or other dimensional requirements of this Ordinance, the ZBA may grant a variance in the application of the provisions of this Ordinance in the specific case, provided that as a condition to the grant of any such variance, the ZBA shall make a specific finding that the application of the requirements of this Ordinance to the land in question such “practical difficulty” justifying the grant of the variance. In making this determination, the ZBA shall consider the following factors and make written findings with respect to each:

- a. **Substantiality.** How substantial the variation is in relation to the requirement.
- b. **Impact on services and facilities.** The effect of any increased population density which may thus be produced upon available services and facilities.
- c. **Impact on neighborhood.** Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created.
- d. **Other means of alleviating.** Whether the difficulty can be alleviated by some method, feasible for the applicant to pursue, other than a variance.
- e. **Interests of justice.** Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

USE VARIANCES: In order to demonstrate hardship, the applicant must prove to the ZBA:

- a. **That the hardship is unique.**
This means that the hardship does not apply to a large portion of the neighborhood. It can still be unique if it applies to a few parcels, however.
- b. **That the applicant cannot obtain a reasonable return without the variance.**
To establish a reasonable return the applicant must submit evidence of the purchase price, present value, real estate taxes, mortgages or liens, asking price, cost of demolishing structures, if applicable, rents, mortgage interest, etc. and an expert analysis.
- c. **The requested variance, if granted, will not change the character of the neighborhood.**
- d. **The hardship was not self created.**



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ZONING BOARD OF APPEALS

Appeal No.	
Filed	, 20
Notified	, 20
Hearing	, 20

APPEAL FROM THE RULING OF THE BUILDING INSPECTOR

Having made the proper application to the Building Inspector for a permit to erect, rebuild, structurally alter, repair, occupy

on the premises located and described as follows and/or by attached plans, maps and papers:

Address:

Tax ID number:

and having been refused a permit as asked for in the Application attached hereto, I, we, do hereby appeal to the Board of Appeals for their consideration of the Application on the following grounds or because of the following hardships imposed by refusal:

Name of Owner of premises:

Name of Appellant:

Interest of Appellant, if other than owner:

(over)

Give names and addresses of owners of all property adjacent to premises affected by this appeal and the names and addresses of two property owners across the street.

PROPERTY

OWNERS NAME

OWNERS ADDRESS

Appellants Signature: _____

NOTE: A map, drawn to scale showing existing and proposed structure dimensions and their location by dimension to property lines, must be submitted with this appeal and attached hereto. Any other papers deemed useful or necessary should also be attached. All papers should be 8 1/2" x 11" in size. The applicant must provide 15 copies of any larger sized papers and fold them to 8 1/2" x 11" in size.

OFFICIAL USE ONLY

REASON(S) FOR REFUSAL OF PERMIT

Building Inspector: _____

Date: _____

Zoning Variance - \$200.00
Zoning Change - \$300.00

Application Fee \$ 200.00

Date received _____ by _____

ACTION OF BOARD OF APPEALS (RESOLUTION)