

Town of Bethel Zoning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786
845-583-4350 Ext 105
845-583-4710 (F)
Email: bethelcodeclerk@gmail.com



ZONING BOARD OF APPEALS APPLICATION FOR:

☐ **USE VARIANCE**

INSTRUCTIONS FOR ALL APPLICATIONS

You must submit, and all application packets must include:

- ☐ **(9) copies to the clerk, (1) to the Town Attorney**
- ☐ Completed applications to the Zoning Board Clerk 10 business days prior to meeting
- ☐ Submit (9) copies of maps or site plans, building plans and surveys FOLDED, NOT ROLLED
- ☐ EAF Short Form part 1 (Environment Assessment Form- <https://gisservices.dec.ny.gov/eafmapper/>)
- ☐ Owners Proxy (one per owner)
- ☐ For an Administrative Denial or Use Variance. (you must include a typed detailed narrative explaining the project)

In addition, you must also submit the following but not limited to:

- ☐ PDF from the (Engineer/ surveyor) of maps or site plans, building plans and survey.
(Submitted by email to the Zoning Board Clerk at tobbldgdept@gmail.com)
- ☐ Application fee and Escrow fee payable to Town of Bethel

All fees must be paid upon submission of the application. No application will be accepted as complete unless all fees are paid and complete applications are submitted 10 Business Days prior to the scheduled meeting.

It is the Applicant's responsibility to deliver (either in person or by postal mailing) an additional set of the Application packet listed above (i.e., Completed application, copy of map or site plans, EAF Form, etc.) Zoning Board's Attorney office 10 Business Days prior to the scheduled meeting.

ATTORNEY'S ADDRESSES:

**John C. Cappello,
Zoning Board Attorney**

**Mailing Only:
PO Box 367
Walden NY, 12586**

Delivery: Leave with Zoning Board Clerk

Use Variance Application

§345-5 Use Variance

The authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.

§345-50 Powers and duties.

(2): Use Variances

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or

determination of the Code Enforcement Officer or other administrative official or body charged with the enforcement of this Zoning Law, including the Planning Board, after public notice and hearing and in accordance with the requirements of law and this chapter, to grant use variances as defined herein.

(b): If a use variance is granted, the applicant must obtain site plan review approval from the Planning Board prior to commencing the use and prior to obtaining a building permit.

Submit a survey or plot plan drawn to scale, certified, and indicating the following:

- 1) Location of all existing structures and other site improvements (i.e., well, septic system/sewer lines, etc.).
- 2) Location(s) of proposed improvements.
- 3) Names and locations of all existing and proposed streets, highways, easements, etc.
- 4) Any additional information pertinent to this application which could assist the Board in its review of the application.
- 5) \$300.00 application fee and a minimum of \$1,000.00 escrow fee due at submission.

Zoning District: _____

Tax Map Number: Section: _____ Block: _____ Lot: _____

Physical Street Location _____

Owners Name: _____

Tax Mailing Address: _____

Phone: (_____) _____

E-mail: _____

Applicants Name: _____

Applicant Address: _____

Phone: (_____) _____

E-mail: _____

Name and Contact Information of Applicants representative(s): Circle One

Attorney, Architect, Engineer, Other _____

Applicant's interest and/or Contract Vendee in Property: (Circle One)

Owner Agent of the Owner Lessee Other _____

Denial of an application for building permit? Yes _____ No _____

Date of denial _____

Copy of denial Letter must be attached with this application.

The Applicant is seeking relief from the following Zoning Code §345-_____

Describe the proposed use of the property:

What is the current use of the property:

Describe the character of the neighborhood:

Applicants Review of the Use Variance Criteria to the Zoning Board

§345-50 Powers and duties

(E) Variances

(2) Use Variances

(c) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that otherwise applicable zoning regulations and restrictions have caused unnecessary hardship.

(1) Unnecessary hardship. In order to prove such unnecessary hardship the applicant is required to demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each of the following four criteria is satisfied:

(a) The applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; **because:**

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood involved; **because:**

(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; **because:**

(d) That the alleged hardship has not been self-created, **because:**

Applicants Signature: _____

Date: _____

**PLEASE SUBMIT ANY AND ALL DOCUMENTATION THAT WOULD VERIFY THE
APPLICANTS' RESPONSES TO THE USE CRITERIA ABOVE WITH THIS
APPLICATION.**

**345-50 Powers and duties
E. Variances**

(2) Use Variances

(d) In addition to the application and procedural requirements from time to time established pursuant to § 345-49, an application for any use variance shall contain a written narrative explaining what the application is for, and how the development project meets or exceeds all of the criteria for a use variance; (refer to section 345-50 (2)(d) if requested by the board.

TOWN OF BETHEL ZONING BOARD OF APPEALS

OWNER'S PROXY

(Owner)_____ deposes and says he/she resides at
_____ in the county of
_____ and State of _____ and that
he/she is the owner of the premises described in the foregoing application and that
he/she has authorized _____ to make the foregoing
application as described therein.

Dated: _____

Owners Signature: _____

Sworn to before me
This _____ day of _____, 20____.

Notary Public