

Town of Brunswick

Zoning Board of Appeals

336 Town Office Road

Troy, New York 12180

Phone (518) 279-3461 Fax (518) 279-4352

www.townofbrunswick.org

Dear Proposed Applicant:

Applications to the Brunswick Zoning Board of Appeals include appeals from a decision of the Town of Brunswick Building Department. An appeal from a decision of the Brunswick Building Department will request that a variance be granted.

(A) Variance

If you elect to appeal the decision of the Town of Brunswick Building Department denying your application for a building and/or zoning permit and request that a variance be granted, you are required to do the following:

1. Complete and file an appeal using the form provided to you by the Building Department;
2. Provide the required number of copies of a plot plan of your premises showing the location of the improvements anticipated to be made and all setbacks;
3. Pay the required fee;
4. Appear at the scheduled hearing before the Zoning Board of Appeals and present evidence sufficient to satisfy the requirements of Section 12(3) of the Brunswick Zoning Ordinance and Section 267-b of the Town Law of the State of New York.

There are two types of variances. One is an area variance, which means an authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of applicable zoning regulations. The other is a use variance, which means an authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. As an applicant, it is your obligation to present written and oral testimony and to call such witnesses as you may deem necessary in order to satisfy the Zoning Board of Appeals that criteria for the type of variance you have applied for are met.

Since a request for a variance is a quasi-legal proceeding, you may want to consider, although it is not necessary, obtaining an attorney, engineer and/or consultant to assist you in the process.

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PLEASE READ BEFORE COMPLETING FORMS

INFORMATION AND PROCEDURES FOR VARIANCE

**NOTE: IF THE FOLLOWING INSTRUCTIONS ARE NOT COMPLIED WITH,
YOUR PAPERWORK FOR A VARIANCE CANNOT BE PROCESSED.**

**ALL FORMS MUST BE PRINTED NEATLY IN BLACK INK OR TYPEWRITTEN FOR LEGIBILITY.
ATTACHMENTS CAN BE DONE AND MUST CONTAIN ADDRESS, INCLUDING ZIP CODE.**

1. Submit complete **DISAPPROVED** Zoning Permit Application.
2. Complete and return one **signed original** "Application for a Variance".
3. Complete and return one **signed original** "Environmental Assessment Form".
4. Submit **7 copies of plot plan (8 copies if the property is within 500 feet of a County or State highway)** showing all dimensions of buildings, yard (front, side and rear setbacks of building(s) (proposed and existing)), lot size, and streets.
5. Submit application fee to process application. The fee is not refundable.
***Make check payable to the Town of Brunswick.**
6. The Zoning Board of Appeals holds public hearings on the **3rd Monday of the month at 6 P.M. in the Brunswick Town Hall, 336 Town Office Road, Troy.**

APPLICANT MUST APPEAR AT THE PUBLIC HEARING.

If you are going to submit anything to the ZBA at the hearing, 7 copies will be required.

7. **Please note:** If a variance is granted for a residential application, a Building and Zoning Permit must be obtained before any work is started.

If a variance is granted for a subdivision or site plan, you must resubmit a building permit application for approval based on the Zoning Board's decision and obtain final approval from the Town of Brunswick Planning Board and a Building and Zoning Permit must be obtained before any work is started.

"SUCH APPEAL SHALL BE TAKEN WITHIN SIXTY DAYS AFTER THE FILING IN THE TOWN CLERK'S OFFICE OF ANY ORDER, REQUIREMENT, DECISION, INTERPRETATION OR DETERMINATION OF THE ADMINISTRATIVE OFFICIAL CHARGED WITH THE ENFORCEMENT OF SUCH ORDINANCE OR LOCAL LAW, FROM WHICH THE APPEAL IS TAKEN." (NEW YORK STATE TOWN LAW §267.a(5)).

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Application for a Variance

General Information

Application Number _____
Date Application Received _____
Hearing Scheduled Date _____
Application Fee _____
Approved Date _____ Conditions (y/n) _____
Denial Date _____ Withdrawn Date _____
Zoning Chairperson _____

Applicant:

Name: _____

Property Owner:

Name: _____

Company: _____ Company: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Applicant is: Owner__ Builder__ Lessee__ Architect/Engineer__ Agent__ Other__
If Other, Explain: _____

Lot Information

Street Address of Lot _____

Parcel ID Number _____ Zoning District _____

Irregular Shape of Lot (Y or N) _____ Corner Lot (Y or N) _____

Existing: Lot Area _____ Frontage _____ Depth _____
Setbacks: Front _____ Rear _____ Left _____ Right _____

Proposed: Lot Area _____ Frontage _____ Depth _____
Setbacks: Front _____ Rear _____ Left _____ Right _____

Type of Water Service: _____ Type of Sanitary Disposal: _____

Describe Existing Use:

Type of Request: _____ Area Variance _____ Use Variance

Briefly describe the proposal: _____

Abutters-Adjacent Property Owners

List the name and address for each adjacent property owners. Use additional paper if needed.

Name:	Address:	Property Use
Front	_____	_____
Rear	_____	_____
Left	_____	_____
Right	_____	_____

Required Submittals

- _____ A plot plan showing all dimensions of buildings, yard (front, side and rear setbacks of building(s) (proposed and existing)), lot size, and streets.
- _____ Part 1 of the State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form
- _____ Application fee

NOTE: Additional submittals may be required by the Zoning Board of Appeals. Failure to submit all required documents may result in a delay in the processing or denial of the application.

Have there been any other variances issued for this property? (Y or N) _____

If yes, explain: _____

For any Area Variance Request, please complete the following:

Proposed use / construction: _____
 (Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc.)

	REQUIRED	PROPOSED
Lot Size:		
Width at set back:		
Front Setback:		
Rear Setback:		
Left Side Setback:		
Right Side Setback:		
Maximum Lot Coverage:		
Maximum Height:		

For Multi-family Residential / Non-Residential Area Variances, please complete the following:

	REQUIRED	PROPOSED
Number of Parking Spaces:		
Buffer:		
Units per Acre:		

Area Variance Continued

1. Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting the Area Variance.

2. Explain why the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

3. Describe whether the requested Area Variance is substantial.

4. Explain how the proposed Area Variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

5. Explain whether the difficulty is self-created. (Consideration is relevant, but shall not necessarily preclude the granting of the Area Variance)

For Use Variance Applications, please complete the following:

Describe the requested use: _____

1. Explain why the applicant cannot realize a reasonable return from the property without the Use Variance, as demonstrated by competent financial evidence.

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

3. Describe why granting the requested Use Variance will not alter the essential character of the neighborhood.

4. Explain whether the alleged hardship has been self-created.

Certification and Authorization

I certify that the information contained in this application is true to the best of my knowledge and I authorize the Town of Brunswick to process this application as provided by law.

I also authorize the Town of Brunswick Building Department and Zoning Board of Appeals to enter the property that is the subject of this application for the purpose of inspection and consideration of the application documents.

Applicant:

Property Owner:

Name: _____

Signature: _____

Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		