

**Town of Knox
Albany County, New York**

APPLICATION PROCEDURES FOR USE VARIANCE

1. An appeal to the Zoning Board of Appeals for administrative review or variance shall be made to the Building and Zoning Administrator. The Building and Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
 - a. Names (not addresses) of current **ADJACENT PROPERTY OWNERS** must be printed clearly on the appropriate section of the application. This is separate and distinct from the notification requirements listed in item #2 below.
 - b. If the application is signed by the owner, a copy of the deed for the parcel shall be attached to the application. If the applicant is other than the owner, written documentation (e.g. lease, contract of sale, etc.) confirming applicant's legal standing must be attached to the application in addition to a copy of owner's deed.
 - c. The applicant shall provide **EIGHT (8)** separate collated packets; each containing completed copies of **ALL FORMS** in this application packet, along with the site plan, narrative, deed and other pertinent information. Incomplete forms and/or missing information will result in rejection of your application.
2. **NOTIFICATION REQUIREMENTS** (Separate and distinct from adjacent property owner NOTE above)

At the time of submission, the applicant shall submit (1) a reproduced copy of the tax map depicting the parcel(s) of land in question and all lands within five hundred (500) feet, (2) a schedule of the names and addresses of the property owners within five hundred (500) feet from the perimeter of the parcel(s) in question as ascertained from the office of the Town Assessor, and (3) satisfactory proof that the property owners within five hundred (500) feet of the perimeter of the parcel (s) have been notified in writing of the nature of the request for a use variance. Prior to the time of the hearing, the applicant must file with the Secretary of the Zoning Board evidence of mailing by certified or registered mail.

Please include in your notification letter the location of your project and a brief description of what you propose to do. DO NOT include the meeting date at which your project will be reviewed by the Zoning Board.

Notification shall include the following written statement: "An application for a use variance for lands within five hundred (500) feet of your property is being proposed. The permit application will be filed with the Building Department of the Town of Knox and may be reviewed by you during normal business hours at the Town Hall. Please call the Building Department at **(518) 872-2551** or **(518) 872-1274** if you have any questions about the procedures to review this application and the process for consideration of the proposal."

3. Prior to taking action on an application, the Building and Zoning Administrator shall refer all applications for properties that fall under Section 239-m of the General Municipal Law to the County Planning Board for a determination. Generally, these would include properties within 500 feet of a farm operation, a town boundary, a county or state park or other recreational area, thruway or other controlled-access highway or right-of-way, or any county or state-owned land in which a public building or institution is situated. **Applicants should be aware that the County Planning Board meets once a month and this may cause a delay in scheduling the application for the Zoning Board agenda.**
4. When the application is placed on the Zoning Board of Appeals agenda, the **Secretary of the Zoning Board** will notify the applicant of the date and time.
5. **FEES: Payable at time of submission**

APPLICATION FOR PERMIT REQUIRING REVIEW BY THE ZONING BOARD OF APPEALS

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit and Zoning Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions or alterations, or for removal or demolition, as herein described.

Applicant's Name _____

Owner's Name _____

Address _____

Address _____

_____ Zip _____

_____ Zip _____

Phone _____

Phone _____

Agent's Name _____

Sec _____ Block _____ Lot _____

Address _____

Property 911 Address _____

_____ Zip _____

Phone _____

EXISTING USE _____

INTENDED Use/Describe _____

EXISTING Zoning Classification _____

Lot Size _____ Area _____

EXISTING Building Size _____

CURRENT
Frontage _____ FT

INTENDED
Frontage _____ FT

Front Yard Depth _____ FT

Front Yard Depth _____ FT

Right Side Yard Width _____ FT

Right Side Yard Width _____ FT

Left Side Yard Width _____ FT

Left Side Yard Width _____ FT

Rear Yard Depth _____ FT

Rear Yard Depth _____ FT

Building Height _____ FT _____ Stories

Building Height _____ FT _____ Stories

Attachments: () Deed () Site Plan () Narrative () Tax Map () Survey () Other _____

ADJACENT PROPERTY OWNERS (NAMES ONLY)

North _____

East _____

South _____

West _____

FEE \$ _____

Signature of Owner, Applicant or Agent

(To be completed by Building and Zoning Administrator)

This application is hereby disapproved and forwarded to the Zoning Board of Appeals for the reason(s) cited below:

Dated _____

Building and Zoning Administrator

Zoning Board Application For Use Variance

1. **USE VARIANCE** Project Description (Briefly describe the proposal)

2. The applicant must satisfactorily demonstrate the following:

a. The applicant must show a hardship is suffered because of the zoning regulations; that the property cannot be put to a currently permitted use that will provide a "reasonable" return under normal conditions. (Proof of a more profitable return if the variance is granted is not in itself evidence of hardship.) **NO REASONABLE RETURN** is possible under current zoning because:

b. The applicant must show that the perceived hardship is the result of a zoning circumstance peculiar to the specific parcel under consideration. (If the hardship is the result of improper zoning and is shared by others, it cannot be relieved by a variance.) The plight of the owner is due to **UNIQUE CIRCUMSTANCES** because:

c. The modifications must not materially change the essential character or quality of the zoning district. The applicant must show that the modifications or use to be authorized **will not alter the essential character** of the district because:

d. The Zoning Board of Appeals cannot grant a use variance where an unnecessary **hardship has been self-created** or where the applicant acquired the property knowing of the existence of certain conditions which are now the basis for the use variance application. (State briefly why your hardship is not self-created)

3. APPLICANT CERTIFICATION

I hereby depose and say that all of the above statements and the statements contained in the attached submission are true to the best of my knowledge and belief.

Sworn to before me this _____ day of _____, 20_____.

Notary Public

Applicant

AGRICULTURAL DATA STATEMENT AND CONTROL FORM

Town of Knox

Tax Parcel No. _____
(section) (block) (lot)

Consolidated Agricultural District No. 1 or 2
(Circle)

Street Name _____

NOTE: Section 283-a of the town Law (effective July 1, 1993) requires that any application for a Special Permit, Site Plan, Use Variance or Subdivision on property within an Agricultural District containing a farm operation, or on property with boundaries within five hundred (500) feet of a farm operation that is located in an Agricultural district, include an Agricultural Data Statement. All applications requiring an Agricultural Data Statement must be referred to the Albany County Planning Board in accordance with amended section 239-m and 239-n of the General Municipal Law (effective July 1, 1993).

Part I: Agricultural Data Statement

Name of Applicant _____

Mailing Address _____

Description of Project _____

Names and address of those owners of land within Consolidated Agricultural District No. _____ that contain farm operations and are located within five hundred (500) feet of the project property:

1. _____
2. _____
3. _____
4. _____
5. _____

Attach to this form a copy of a tax map showing the site of the proposed project relative to the location of farm operations identified above. Farm Operations are defined as "...the land used in agricultural production, farm buildings, equipment and farm residential buildings" according to Section 301, Article 25AA of the Agricultural and Markets Law.

Part II: Submission and Evaluation (To be completed by the Secretary for the Planning Board/ Zoning Board)

Type of Submission (Check appropriate type)

Use Variance () Special Use Permit () Site Plan Review () Subdivision Review ()

Municipal Review Authority (Check appropriate agency)

Zoning Board of Appeals () Planning Board ()

Part III: Notice Provision (To be completed by the Secretary for the Planning Board/ Zoning Board)

Consistent with Section 283-a (3) of the Town Law, written notice of the application described in Part I has been provided to the owners of land identified in the Agricultural Data Statement.

Date Notice Mailed _____

Part IV: Notice to County Planning Board (To be completed by the Secretary for the Planning Board/ Zoning Board)

Consistent with Section 283-a(5) of the Town Law, the Clerk of the Municipal Review Authority identified in Part II must refer all applications requiring and Agricultural Data Statement to the County Planning Board.

Date Referred to County Planning Board _____
Use Agricultural Data Statement Referral Form

NOTICE: Regarding Disclosure Notice to Prospective Purchasers

As of July 1, 1999

1. When any purchase and sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur with the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

- 1a. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.
2. Receipt of such disclosure notice shall be recorded on a property transfer report form prescribed by the State Board of Real Property services as provided for in Section 333 of the real property law.

ALBANY COUNTY PLANNING BOARD

AGRICULTURAL REFERRAL FORM

Effective July 1, 1993, any proposed action requiring an Agricultural Data Statement must be referred to the Albany County Planning Board (see Section 283-a of Town Law and Sections 239-m and 239-n of General Municipal Law.)

- I. Town of Knox
Referring Official: Secretary for the Planning Board/ Zoning Board
Date: _____
Submitting Officer: _____
Mailing Address: _____

Zip _____
Phone Number _____ Fax Number _____

- II. Type of Application
Special Use Permit ()
Use Variance ()
Site Plan Review ()
Subdivision Review ()

- III. Agricultural Data Statement
Attach a copy of the completed Agricultural Data Statement and Control Form

- IV. Additional Information Required:
 - a. Copy of map submitted with Agricultural Data Statement
 - b. Is proposal subject to review under the State Environmental Quality Review Act?
Yes () No () Not Yet Determined ()
If yes, submit a copy of the Environmental Assessment Form.
Name of Lead Agency _____
 - c. Date of Public Hearing _____
 - d. Date Referring Agency proposes to act on the application _____

Authorized Signature

Mail to: Albany County Planning Board