

# REQUIREMENTS NEEDED FOR VARIANCE APPLICATIONS

Application must be made within sixty (60) days of the Building Inspector's letter of determination

**Applications to the Zoning Board of Appeals are required to be submitted electronically in PDF format to the Zoning Board Secretary at [rgoldberg@bethlehemny.gov](mailto:rgoldberg@bethlehemny.gov) along with one "hard copy" for the Building Inspector's file.**

**\*An additional copy will be required if it is determined that the file needs to be reviewed by the Albany County Planning Board.**

1. Completed application form including the Affidavit signed and notarized and Part A (for an area variance) or Part B (for a use variance), If the variance location is within 500' from an Agricultural District an Agricultural Data Form will be required.
2. Part 1 of the Short Environmental Assessment Form completed and signed
3. Photographs
  - a. Showing the specific location of the needed variance; the immediate area surrounding the location to the left, right, in front and in back including elevations of existing structure.
4. Plot Plan –
  - a. Showing the exact location of the variance with complete dimensions of addition, side yards, front yards, back yards and dimensional property lines. Show all existing structures on the site as they exist today.
5. Drawings –

These must be complete sets of descriptive plans for the variance showing only the applicable items labeled existing and new.

  - a. Plans must include views of all sides of structure, which do not have to be architectural plans, if plans submitted are suitable in the opinion of the Code Enforcement Officer to determine what is being done.
  - b. Plans also to show but not be limited to
    - 1) Structure – to be added and/or removed
    - 2) Siding – type and color
    - 3) Roof – style and color
    - 4) Floor Plan – existing and proposed showing relationship of both and labeling each specific room or area showing all dimensions
    - 5) Landscaping – to be removed and/or added (trees, shrubs, retaining walls, fences, etc.)

6. A copy of the decision of the Building Inspector **MUST** be attached.
7. Check made payable to “Town of Bethlehem” (Fee Schedule Z)
8. List of names and addresses of **ALL** owners of property within two hundred (200) feet of any portion of the property in which the variance is being requested.

TOWN OF BETHLEHEM  
ZONING BOARD OF APPEALS  
Area or Use Variance  
VARIANCE APPLICATION

Address of Variance: \_\_\_\_\_  
\_\_\_\_\_

Presently Zoned: \_\_\_\_\_ Tax map #: \_\_\_\_\_

Name, Address and Telephone # of Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If other than owner, state interest in property and attach proof: \_\_\_\_\_  
\_\_\_\_\_

Name, Address and Telephone # of Representative: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For a variance under Article(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested for the purpose of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was an application made for a Building Permit? Yes \_\_\_ No \_\_\_ When \_\_\_\_\_

Estimated time required to complete the project \_\_\_\_\_



**Part A**

**For an Area Variance:**

Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to be given to each of them will vary with the facts of each particular case.

1. Whether the granting of the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

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2. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

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3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

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4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

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5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created.

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**Part B**

**For a Use Variance:**

Before the ZBA can grant a use variance, State Law requires that, the applicant must demonstrate "unnecessary hardship". Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. Applicant must prove EACH of the following standards in order to be granted a use variance.

To prove unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

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

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

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

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4. The alleged hardship has not been self-created.

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**Fee Schedule Z                      Zoning Board of Appeals Fees**

<b>DISTRICTS</b>	<b>AREA VARIANCE or INTERPRETATION APPEAL</b>		<b>USE VARIANCE</b>	
	Residential Use	Non-Residential Use	Residential Use	Non-Residential Use
<b>Residential</b>	\$75.00	\$100.00	\$125.00	\$150.00
<b>Mixed Use<sup>1</sup></b>	\$100.00	\$125.00	\$150.00	\$175.00
<b>Commercial<sup>1</sup></b>	\$175.00	\$200.00	\$200.00	\$300.00
<b>Special Districts</b>	\$175.00	\$200.00	\$200.00	\$300.00

Districts are Set Forth in the Zoning Code, Section 128-12

Residential and Non-Residential Uses are Set Forth in the Zoning Code, Section 128-100

<sup>1</sup> If the primary use of the parcel is a single family home and will remain as such with the granting of the variance; those applicants shall follow the fee schedule for residential districts.