

## ZONING BOARD OF APPEALS APPLICATION INSTRUCTIONS AND PROCEDURES

- Regular meetings of the Zoning Board are held on the 3<sup>rd</sup> Monday of each month as needed at 7:00 P.M. at the Town of Barre Town Hall, or such other time or place as the Chairman of the Board may determine from time to time.
- All pertinent questions on the application must be answered, and all information required shall be concisely stated. Additional statements may be added if needed on the back of the application or on a separate sheet of paper.
- The final date for filing applications shall be ten (10) days before the date of the regular meeting.
- Applications for shall be accompanied by 5 copies of a plot plan and the appropriate fee. Checks should be made out to *Town of Barre*.
- Plot plans shall be drawn to scale, accurately showing lot dimensions, area, yard dimensions, location and size of all existing and proposed building on the property. Surveyor's maps are preferred and may be required in some cases.
- The Applicant or an authorized agent must attend the meeting, present the facts of the case, and be prepared to answer questions. It is extremely important that all the facts and details be presented clearly and correctly, with as much supporting evidence as possible.

Personal preferences, emotional issues and self-created difficulties are not proper or sufficient grounds for granting a variance. The Board must base their decision on the facts found during the hearing and review of the case. Please be aware that each application presents its own unique case and as such, circumstances vary on each application's outcome.

Some examples are as follows:

- a. If topographical conditions are claimed as a hardship, provide photographs and/or a topographic map with cross-section showing existing and required grades.
  - b. If pre-existing conditions are involved, provide evidence in the form of survey maps, properly records, eye witness testimony, etc. to support the claim.
  - c. If financial considerations, are involved, present actual dollar figures such as cost of dirt for filling, cost of moving a structure, costs of upkeep and repair, etc. Your figures shall be supported by documents such as estimate sheets, price quotations, or business records.
- On an application for a re-hearing, the applicant must allege new facts and provide proof of them at the hearing.

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**THE ZONING BOARD, IN ITS DISCRETION, MAY DISMISS AN APPEAL (WITHOUT PREJUDICE) FOR FAILURE TO COMPLY WITH ANY OF THE FOREGOING.**

## VARIANCE INFORMATION

### AREA VARIANCE

An area variance seeks relief from a dimensional requirement imposed by the Town of Barre Zoning Regulations.

The applicant must show proof that he/she has practical difficulty if he/she is required to be in strict compliance with the Zoning requirement.

The Zoning Board of Appeals must consider the following in their deliberations:

- Will the requested variance be detrimental to nearby properties?
- Will an undesirable change occur in the character of the neighborhood?
- Are there any other feasible alternatives to achieve the benefit sought?
- Is the requested variance substantial?
- Will the variance cause adverse effects on the physical and/or environmental conditions in the neighborhood?
- If the difficulty self-created? (Although relevant, this does not necessarily preclude granting the variance).

In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. If the area variance is granted, it shall be the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### USE VARIANCE

A use variance allows property to be used for a type of land use which is prohibited on the particular parcel by the Town of Barre Zoning Regulations.

The applicant must show that under existing zoning regulations, the property suffers unnecessary hardship (usually financial). This does not mean financial profit; it means unreasonable financial investment to use the property.

The Zoning Board of Appeals must consider the following in making their determination:

- The property owner cannot realize a reasonable return from **any use permitted** in the particular District.
- The landowner has circumstances unique to his property.
- The use will not alter the essential character of the locality.
- Unnecessary hardship is not valid if it is created by the applicant.

In making its determination the Zoning Board of Appeals shall grant the minimum use variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### IMPOSITION OF CONDITIONS

The Zoning Board of Appeals, in granting of both area variances and use variances, has the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Regulations, and shall be imposed for the purpose of minimizing any adverse impact that such variances may have on the neighborhood or community.

**TOWN OF BARRE  
APPLICANT ACKNOWLEDGEMENT**

Date: \_\_\_\_\_

Applicant: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Subject Property: Address: \_\_\_\_\_

Tax Lot No. \_\_\_\_\_

Referred to Zoning Board of Appeals for:

\_\_\_\_\_Area Variance                      \_\_\_\_\_Use Variance

Applicant shall reimburse the Town of Barre for all engineering, legal, or other extraordinary or unanticipated expenses incurred by the Town in review of the proposed action. The applicant shall reimburse the Town as expenses are incurred.

Where such expenses are estimated to be greater than \$1,000.00, the Zoning Board of Appeals will require an escrow account be established in an amount determined by such Board. The escrow account will be replenished as expenses are paid by the Town.

All monies due the Town of Barre shall be paid in full before issuance of any required permit OR within thirty (30) days of final action taken by the Zoning Board of Appeals.

I, \_\_\_\_\_ have read the above statement and agree to the terms and conditions thereof.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**TOWN OF BARRE**  
**ZONING BOARD OF APPEALS**  
**APPLICATION**  
(See Instructions and Procedures Attached)

Date Received: \_\_\_\_\_

1. I (we) hereby apply to the Zoning Board of Appeals:

\_\_\_\_\_ for Area Variance      \_\_\_\_\_ for a Use Variance

Pursuant to Section for the Town of Barre Zoning Regulations: \_\_\_\_\_

2. LOCATION: Address \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Current Zoning: \_\_\_\_\_

3. OWNER: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

AGENT: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

If the applicant is not the owner or if there is an applicant/agent, please explain:

\_\_\_\_\_

4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE(s): \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

# AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_

B. Description of the proposed project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Project site address: \_\_\_\_\_ Town: \_\_\_\_\_

D. Project site tax map number: \_\_\_\_\_

E. The project is located on property:  
 within an Agricultural District containing a farm operation, or  
 with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: \_\_\_\_\_

G. Is any portion of the project site currently being farmed?  
 Yes. If yes, how many acres \_\_\_\_\_ or square feet \_\_\_\_\_?  
 No.

H. Name and tax parcel identification number or address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above. Web-mapping available at [tinyurl.com/MapOrleans](http://tinyurl.com/MapOrleans).

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**FARM NOTE**  
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Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

\_\_\_\_\_  
Name and Title of Person Completing Form 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.

<b>Part 1 - Project and Sponsor Information</b>				
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.			<b>NO</b>	<b>YES</b>
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:			<b>NO</b>	<b>YES</b>
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				

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>  	<b>YES</b>  	<b>N/A</b>  
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<b>NO</b>	<b>YES</b>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<b>NO</b>	<b>YES</b>	

<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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		