

Village Of South Blooming Grove

Incorporated in July 14, 2006

P.O. Box 295

Blooming Grove, New York 10914

www.villageofsouthbloominggrove.com

ZONING BOARD OF APPEALS

APPLICATION

Zoning Board of Appeals meetings are held on the Fourth (4th) Thursday of every month at 7:30 p.m. Depending on the number of applications before the board, a workshop may be held prior to a regularly scheduled meeting depending on the board's availability. If you would like to schedule a work session with the Zoning Board of Appeals please contact the Village Clerk. Please check with the Clerk's office on the up coming agenda.

To appear on the agenda for any given month, applications, applicable fees, and all required documentation must be submitted to the Village Clerk's office no later than the 20th of the previous month.

Any questions please contact the Village Clerk's office via:
Telephone (845)782-2600
Or
Fax (845)782-2601

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.

OFFICE USE ONLY

| | |
|-------------------------|-------------------|
| Application No. | _____ |
| Application Received | _____/_____/_____ |
| Date of Public Hearing | _____/_____/_____ |
| Date of Final Action | _____/_____/_____ |
| Date of Filing Decision | _____/_____/_____ |

INSTRUCTIONS

Village Of South Blooming Grove

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ZONING BOARD OF APPEALS

APPLICATION

1. Applications for the Village Zoning Board of Appeals are due on the 20th of the each month; a complete application contains 12 sets of plans, a completed application form and the required fees. All fees will be paid by check or money order made payable to the Village of South Blooming Grove.
2. A workshop for technical review may be scheduled with the Zoning Board of Appeals and its Engineer. You must contact the Village Clerk at (845)782-2600 to schedule a date and time for all technical reviews if desired. (Note: the cost for a technical review with the Board's Engineer will be at the expense of the applicant)
3. **FEES SCHEDULE:**

- See attached fee schedule.
- All escrow accounts will be replenished when balance is reduced to ½ the original amount.

Note: The applicant will not be placed on the Village Board / Planning Board / Zoning Board agenda unless all escrow accounts are at least ½ (50%) the original set amount.

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ZONING BOARD OF APPEALS

APPLICATION

INSTRUCTIONS

NOTE: As per Village Code 240.03 (Tax Payers Protection Act):

Any and all such specific and non-general costs or expenses incurred by the Village in reviewing any application or petition for any zone change, special permit, license, franchise agreement, site plan, subdivision, variance, amendments to any approved map or tax map or text of the Village Code, as well as any other submissions to the Village Board of Trustees, the Village Zoning Board of Appeals or Village Planning Board or CDRC or otherwise enforcing the rights of the Village regarding a specific applicant or property owner which require the use or employment of Village Counsel, Special Legal Counsel, Bond Counsel, Transactional Counsel or other legal advice or representation, planning consultants, zoning consultants, engineers, experts, accountants, appraisers or other professionals or persons that may be deemed reasonably necessary by the Village to review, act upon or otherwise provide advice on any such matter shall be charged to and paid solely by the applicant or petitioner as well as property owner involved or other person seeking relief or otherwise responsible to the Village that makes such specific and non-general action or review by the Village appropriate or necessary. Any such costs paid or incurred by the Village that are reasonable and customary in the County of Orange regarding the foregoing shall be charged to and paid by the applicant as well as property owner involved provided the applicant as well as property owner involved is seeking a benefit or other relief or approval from the Village and said costs are necessary expenditures, and not expenditures for the convenience of a Board in fulfillment of its own decision-making responsibilities. Said legal cost shall be reasonable in amount and shall not exceed five (5%) percent of the cost of the fair market value of the estimated cost of construction or the infrastructure and other site improvements involved in said application. The payment of such costs shall be deducted from an escrow account to be established for such application in amount determined by the Village in accordance with the Village's fee schedule or as determined by Village Board of Trustees Resolution. Such escrow account must be maintained in an amount sufficient to pay such fees or costs at the time they are incurred and must be replenished as directed by the Village.

OWNER'S SIGNATURE

PRINT NAME

Sworn before me this _____
day of _____, 20____

Notary Public

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ZONING BOARD OF APPEALS

APPLICATION

INSTRUCTIONS

The following must be completed and submitted by the 20th of the month *before* the application is reviewed and scheduled for the Zoning Board of Appeals regularly scheduled meeting:

1. Twelve (12) copies of the application, twelve (12) plot plans drawn to scale (showing setbacks and other dimensions) or twelve (12) surveys that has been sworn or attested to as being true by a licensed Architect or Engineer.
2. Twelve (12) copies of a narrative describing why the applicant is appearing before the board.
3. Twelve (12) copies of reference to the Zoning Board of Appeals (Building Inspector's determination, Code Inspector's determination, referral from the Planning Board or for an interpretation of the Zoning Code). No application can come for a variance without first being denied by the Building Inspector or Code Enforcement Officer or referred from the Planning Board.
4. List of names and addresses, of all property owners within a **500 feet radius** of the property covered in the application.
5. Twelve (12) copies of the completed Environment Assessment Form (Short form or Long Form will be provided to applicant)
6. Twelve (12) copies of a vicinity map.
7. Affidavit – General Municipal Law Section 809
8. Tax Map Designation
9. Affidavit of Ownership / Owner's Consent
10. Affidavit of property owner (s)
11. Copy of the deed (s)
12. Applicable escrow fees.

The application must be received at least four weeks or by the 20th of the month prior to being scheduled for a Zoning Board of Appeals meeting and is subject to the review by the Zoning Board of Appeals attorney. You will be notified as to the date of the meeting. You will be provided with posters giving notice of any scheduled public hearing(s) which shall be posted in a conspicuous place visible from every street along the frontage of the property referred to in the application. These notices must be posted 10 days prior to the scheduled meeting.

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ZONING BOARD OF APPEALS

APPLICATION

INSTRUCTIONS

Zoning Board of Appeals

Procedures

1. The Village Clerk will publish a notice of public hearing in the Times Herald Record and the Orange County Post at least 5 days prior to any public hearing(s) that may be held concerning this application.
2. A copy of the legal notice of public hearing must be sent by certified mail return receipt requested not more than ten (10) or less than five (5) days prior to the public hearing to all property owners within 500 feet of the outer boundaries of the subject parcel. The names and addresses of the affected property owners will be provided to the applicant by the Village Clerk's office. The affidavit of mailing must be submitted to the Board at the public hearing.
3. The Orange County Planning Department must review all projects that meet the requirements of Section 239 of the NYS General Municipal Law prior to a decision by the Board if the real property is within five hundred (500) feet of any of the following:
 - a. The boundary of any city, village or town;
 - b. The boundary of any existing or proposed county or state park or any other recreational area;
 - c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
 - d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;
 - e. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
 - f. The boundary of a farm operation located in an agricultural district; as defined by article 25 (AA) of the NYS Agriculture and Markets Law.
4. The Village Clerk's office will provide a form affidavit of mailing for completion by the applicant.
5. All Application fees must be paid upon submission of the application. All notice mailing expenses must be paid prior to the Public Hearing, at the time the labels are provided to the applicant. All engineering and/or legal fees incurred by the Board with respect to this application (except for yard setback variances or an existing single family dwelling) must be paid by the applicant and shall be charged back accordingly to the applicant.

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ZONING BOARD OF APPEALS

APPLICATION

PART I

Name of Municipality: Village of South Blooming Grove Date Received _____

Please check all that apply:

Zoning Board of Appeals

| | |
|--|---|
| <input type="checkbox"/> BULK VARIANCE (sect 235-89-C) | <input type="checkbox"/> Interpretation of the Zoning Code |
| <input type="checkbox"/> USE VARIANCE | <input type="checkbox"/> Referred by the Planning Board |
| <input type="checkbox"/> NUMBER OF LOTS | <input type="checkbox"/> Referred by the Village Board |
| <input type="checkbox"/> Referred by the Code Enforcement Officer for Violation (Copy of notice must be attached) ***** | <input type="checkbox"/> This application arises from a disapproval from the Building Inspector of a building permit application (copy of notice attached) ***** |
| <input type="checkbox"/> ZONING CODE AMENDMENT | <input type="checkbox"/> ZONE CHANGE |
| <input type="checkbox"/> Permit concerning Village Code 176 Trees (Harvesting of Trees) * (Must Fill Out Part II of this form.) | NOTE: All Applications, petitions or requests for any type of variance must fill out <i>PART II</i> of this form. |

Project Name: _____

Applicant: _____ **Phone #** _____

Address: _____
Street Name & Number (Post Office) State Zip code

Applicant- Contact Person: _____ **Phone #** _____

Address: _____
Street Name & Number (Post Office) State Zip code

Property Owner: _____ **Phone #** _____

Address: _____
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: _____ **Phone #** _____

Address: _____
Street Name & Number (Post Office) State Zip code

Attorney: _____ **Phone #** _____

Address: _____
Street Name & Number (Post Office) State Zip code

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ZONING BOARD OF APPEALS

APPLICATION

Tax Map Designation:

Section _____ Block _____ Lot(s): _____

Section _____ Block _____ Lot(s): _____

Location: On the _____ side of _____,
_____ feet _____ of _____.

Acreage of Parcel _____ **Zoning District** _____

School District _____ **Postal District** _____

Project Description: *(If additional space required, please attach a narrative summary.)*

If subdivision:

1) Is any variance from the subdivision regulations required? _____

2) Is any open space being offered? _____. If so, what amount? _____

Project History: Has this project ever been reviewed before? _____

If so, list case number, name, date, and the board you appeared before. _____

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project. _____

“Permission is hereby granted to the Village of South Blooming Grove, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon 24 hours notice to the owner or tenant in possession.”

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ZONING BOARD OF APPEALS

APPLICATION

This property is within 500 feet of:

(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE **ORANGE COUNTY COMMISSIONER OF PLANNING**
UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

| | |
|---|--|
| <input type="checkbox"/> State Road / Highway | <input type="checkbox"/> County Road |
| <input type="checkbox"/> State or County Park | <input type="checkbox"/> County Stream |
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> County Facility |
| <input type="checkbox"/> Municipal Facility | <input type="checkbox"/> State Facility |

List name(s) of facility checked above. _____

Applicant's Signature and Certification

State of New York)
County of Orange) SS.:
Town/Village of _____)

I, _____, hereby depose and say that all
the above statements contained in the papers submitted herewith are true.

Mailing Address: _____

SWORN to before this

_____ day of _____, 20__

Notary Public

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ZONING BOARD OF APPEALS

APPLICATION

Affidavit of Ownership/Owner's Consent

State of New York)
County of Orange) SS.:
Town/Village of _____)

I, _____, being duly sworn, hereby
depose and say that I reside at: _____

in the county of _____ in the state of _____.

I am the * _____ owner in fee simple of premises located at:

described in a certain deed of said premises recorded in the Orange County Clerk's Office in
Liber _____ of conveyances, page _____.

Said premises have been in my/its possession since _____. Said premises are also known and
designated on the Town / Village of _____ Tax Map as:
Section _____ block _____ lot(s) _____.

I hereby authorize the within application on my behalf, and that the statements of fact contained
in said application are true, and agree to be bound by the determination of the board.

Owner: _____

Mailing Address: _____

SWORN to before this

_____ day of _____, 20__

Notary Public

** If owner is a corporation, fill in the office held by deponent and name of corporation, and provide
a list of all directors, officers and stockholders owning more than 5% of any class of stock.*

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ZONING BOARD OF APPEALS

APPLICATION

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)
County of Orange) SS.:
Town/Village of _____)

I, _____, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

1. Print or type full name and post office address: _____

certifies that he is owner or agent of all that certain lot, piece or parcel of land and/or building described in this application **and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner** in connection with this application for the relief below set forth:

2. To the _____ of the Town/Village of
(Board, Commission or Agency)
_____, Orange County, New York:

Application, petition or request is hereby submitted for:

- Variance or modification from the requirement of Section _____;
- Special permit per the requirements of Section _____;
- Review and approval of proposed subdivision plat _____;
- Exemption from a plat or official map _____;
- An order to issue a certificate, permit or License _____;
- An amendment to the Zoning Ordinance or Official Map or change thereof _____;
- Other (*explain*) _____

To permit construction, maintenance and use of _____

3. Premises affected are in a _____ zone and from the town / village of _____ tax map, the property is know as Section _____, Block, _____, Lot(s) _____.

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ZONING BOARD OF APPEALS

APPLICATION

Affidavit Pursuant to Section 809 of the General Municipal Law

4. There is no state officer, Orange County Officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. That to the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Orange or of the Town/Village of _____ in the petition, request or application or in the property or subject matter to which it relates:

(If none, so state)

a. Name and address of officer or employee _____

b. Nature of interest _____

c. If stockholder, number of shares _____

d. If officer or partner, nature of office and name of partnership _____

e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. _____

f. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Orange, or of the Town/Village of _____.

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ZONING BOARD OF APPEALS

APPLICATION

Affidavit Pursuant to Section 809 of the General Municipal Law

I, _____, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address: _____

SWORN to before this

_____ day of _____, 20__

Notary Public

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ZONING BOARD OF APPEALS

APPLICATION

AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK }
COUNTY OF ORANGE } SS:
VILLAGE OF SOUTH BLOOMING GROVE }

_____ being duly sworn, deposes and says that
he/she resides at _____

_____ in the County
of Orange, State of New York; that he/she is the owner in fee of all that certain lot, piece
or parcel of land situated, lying and being in the Village of South Blooming Grove, and
designated on the Town of Blooming Grove

Map as Section No. _____ Block No. _____ Lot No. _____ and that he/she
hereby authorizes the attached application to be submitted in his/her behalf and that the
statements of fact contained in said application are true.

The applicant is the (owner) (contract vendee) of the said property.

Owner: _____

Address: _____

Sworn to before me this

_____ day of _____ 20_____

Notary Public

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ZONING BOARD OF APPEALS

APPLICATION

Telephone: (845) 782-2600

Fax: (845) 782-2601

DISCLAIMER

APPLICANT TAKES FULL RESPONSIBILITY FOR RESEARCHING THE TAX MAP FOR THE LIST OF NAMES OF PROPERTY OWNERS ON THE ENCLOSED *AFFIDAVIT OF MAILING LIST*. THE APPLICANT'S ENVELOPES MUST COINCIDE WITH THE LIST. THE CLERK'S RESPONSIBILITY PROVIDING NAMES APPEARING ON THE ORANGE COUNTY REAL PROPERTY DATABASE.

RECEIPT OF THIS DISCLAIMER IS ACKNOWLEDGED

APPLICANT

DATED

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ZONING BOARD OF APPEALS

APPLICATION

AS APPLICABLE, COMPLETE THE FOLLOWING:

1) SHORT ENVIRONMENTAL ASSESSMENT FORM

2) FULL ENVIRONMENTAL ASSESSMENT FORM

For access to the above State Environmental Quality Review forms:

<http://www.dec.ny.gov>

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/feafpart1.pdf

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ZONING BOARD OF APPEALS

APPLICATION

PART II

Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- Variance from the requirement of Section _____ ;
 - Special permit per the requirements of Section _____ ;
 - Review of an administrative decision of the Building Inspector _____ ;
 - An order to issue a Certificate of Occupancy _____ ;
 - An order to issue a Building Permit _____ ;
 - An interpretation of the Zoning Ordinance or Map _____ ;
 - Certification of an existing non-conforming structure or use _____ ;
 - Special permit as per the requirements of Section **176 Trees Law** (Tree Harvesting);
 - Other (*explain*) _____ ;
-

To permit construction, maintenance and use of _____

Bulk Variance – Applicants must complete the following:

1. Explain why the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties:

2. Explain why the benefit sought by the variance cannot be achieved by some other method, feasible for the applicant to pursue, other than a bulk variance:

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ZONING BOARD OF APPEALS

APPLICATION

PART II

Application before the Zoning Board of Appeals

Bulk Variance – Applicants must complete the following: (CONTINUED)

3. Explain why granting of the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

4. Explain briefly how the difficulty imposed upon the applicant by the zoning regulations arose, specifically stating whether or not the situation was self created:

Use Variance – Applicants must complete the following:

5. State why applicable zoning regulations deprive the applicant of all or substantially all economic use or benefit from the property and submit to the Board supporting financial evidence establishing such deprivation.

6. State why the hardship imposed by the zoning regulations is unique to the property and does not apply to a substantial portion of the zoning district or neighborhood.

7. State why a grant of the variance would not later the essential character of the neighborhood.

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ZONING BOARD OF APPEALS

APPLICATION

Zoning Code - Village of South Blooming Grove, NY

Zoning Board of Appeals

§ 235-89. Powers and duties.

The **Zoning Board of Appeals** (hereinafter called "Board of Appeals") shall have all the powers and duties prescribed by statute and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Board that is conferred by law:

A. Appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Building Inspector, when acting in his/her capacity as Zoning Enforcement Officer, or such other official charged with enforcement of this chapter. The Board of Appeals may not waive the requirements for site development plan application as required in any part of this chapter.

B. Interpretation. On an appeal from an order, requirement, decision or determination made by an administrative official or by the Building Inspector, the Board of Appeals may decide any of the following questions:

(1) Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.

(2) Determination of the exact location of any district boundary shown on the Zoning Map.

C. Variances. On appeal from an order, requirement, decision, interpretation or determination made by the Building Inspector, acting in his/her capacity as Zoning Enforcement Officer, or on referral of an applicant to the Board of Appeals by an approving agency acting pursuant to this chapter, the Board of Appeals is authorized, after public notice and hearing, to vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships, as defined in this section, in such manner as to observe the spirit of this chapter, secure public safety and welfare and to do substantial justice. Variances, once granted, shall be construed to run with the particular site or lot and not with the applicant. Any such appeal shall be taken within 60 days after the date of the filing of the order, requirement, decision, interpretation or determination of the Building Inspector by filing an application in the office of the Zoning Board of Appeals and with the Building Inspector.

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ZONING BOARD OF APPEALS

APPLICATION

Zoning Code - Village of South Blooming Grove, NY

Zoning Board of Appeals

(1) **Bulk variances.** Where, because of practical difficulty, an applicant requests a variance of the bulk requirements of this chapter, the Board of Appeals may grant a variance in the application of the provisions of this chapter in the specific case, provided that, as a condition to the grant of any such variance, the Board of Appeals shall make a specific finding that the application of the requirements of this chapter to the land in question creates such practical difficulty. In making this determination, the Board of Appeals shall make the following findings:

(a) That the variance is not substantial in relation to the requirement and to other factors set forth below.

(b) That the effect of any increased population density which may thus be produced upon available services and facilities are not significant.

(c) That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.

(d) That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance or that a lesser variance cannot alleviate the difficulty.

(e) That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

(f) That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas and would not harm the general health, safety or welfare.

(g) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the bulk variance.

(2) **Use variances.** To alleviate unnecessary hardship as hereafter described, the Board of Appeals may grant a variance of the application of the provisions of this chapter in a specific case to allow a use otherwise prohibited in the zoning district in which the property is located, provided that, as a condition to the grant of any such variance, the Board of Appeals shall make the following findings:

(a) After considering all permitted uses, specially permitted uses and conditional uses allowed in the zoning district and based on documented dollars-and-cents evidence submitted in the record by the applicant that the property in question cannot reasonably be used or yield a reasonable return if used only for a purpose allowed in that district.

(b) That the plight of the owner is due to unique circumstances affecting the property which is the subject of the application and not to general conditions in the neighborhood or to personal hardship, plight or desires of the property owners.

(c) That the use to be authorized by the variance will not alter the essential character of the locality.

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ZONING BOARD OF APPEALS

APPLICATION

Zoning Code - Village of South Blooming Grove, NY

Zoning Board of Appeals

(d) That the use to be authorized by the variance is in reasonable harmony with the intent of this chapter.

(e) That the unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title; purchase of the lands subject to the restriction sought to be varied may constitute a self-created hardship.

(f) That within the intent and purpose of this chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board of Appeals may permit a lesser variance than that applied for.

(3) **Burden of proof.** The applicant shall prove that strict application of the zoning law creates practical difficulty or unnecessary hardship. In the event that said practical difficulty or unnecessary hardship is proven, the Board of Appeals shall show that the subject zoning provision serves a legitimate public purpose. The burden shall then shift to the applicant to demonstrate that granting the variance will not adversely affect the public health, safety or welfare.

D. Extensions across district boundaries. In appropriate cases where a lot lies within two districts, the Board of Appeals may permit the extension of existing or proposed permitted accessory off-street parking spaces across a district boundary, under such conditions as will safeguard the character of the district into which such use is extended. However, no such extension shall exceed 75 feet, measured at right angles to such district boundary. The power under this subsection shall not permit the moving of the zoning district line but only the extension of the accessory off-street parking space.