

USE VARIANCE APPLICATION

Part 1. Application Notes

An application for Use Variance is a request for relief from the permitted use regulations of Section 375-3, Use Regulations, of the USDO for a specific property. An application may be submitted after denial of a proposed use by the Chief Planning Official.

1. The Board of Zoning Appeals (BZA) reviews the application at a public hearing and makes its decision based on the standards in Section 375-5(E)(21)(c)(ii). The decision must grant the minimum variance necessary to address the unnecessary hardship proven by the applicant.
2. Applicants have the burden to provide evidence that the applicable regulations have caused unnecessary hardship and demonstrate that it is not self-imposed for a use variance to be approved.
3. The applicant must be able to show unnecessary hardship for each and every permitted use for the zone district where the property is located.
4. The decision of the BZA is final and another application for the same or essentially the same approval cannot be submitted within one year from the date of the decision.

Note: A pre-application meeting is available upon request prior to submitting this application.

Part 2. Property Information

Project Address:	Tax ID Number(s):
Date of Property Acquisition:	Purchase Price:
Current or Most Recent Use(s):	Proposed Use(s):

Description of any existing structures at the property:

Part 3. Permissible Uses

Zoning District:	
List of All Permitted Uses within the Zone District:	
List of All Conditional Uses within the Zone District:	
Legally Nonconforming Uses:	

Part 3. Variance Criteria and Hardship Evidence

Describe all attempts by the property owner to utilize, market or advertise the property for the aforementioned permitted and conditional uses:

Describe why the property owner cannot derive a reasonable financial return from any of the aforementioned permitted and conditional uses, or any other legally nonconforming use of the property:

Describe the hardship(s) relating to the physical characteristics or topographical features of the property that result(s) in the property owner's inability to obtain a reasonable return:

Describe why the aforementioned hardship(s) are unique to the property in question and do not apply to other properties within the zoning district within which the property is located:

Indicate why the aforementioned hardship(s) could not be reasonably foreseen prior to the owner's purchase of the property:

Indicate any and all alternatives sought apart from seeking this variance:

Indicate why the variance sought is the minimum necessary to relieve the aforementioned hardship(s):

Indicate how the proposed use of the property is compatible with and will not adversely affect the character of the surrounding area:

Part 4. Submittal Requirement Checklist

	Required Document	Hard Copies	Electronic Copies	Electronic Submission (.pdf) (Required Document Name)
A. Required for All Use Variance Applications				
<input type="checkbox"/>	Master Application	0	1	Master Application
<input type="checkbox"/>	Use Variance Application	0	1	UV
<input type="checkbox"/>	Rejection Letter from Chief Planning or Building Official	0	1	Rejection Letter
<input type="checkbox"/>	Property Deed	0	1	Deed
<input type="checkbox"/>	Color photographs of the property in context with surrounding properties	0	1	Photos
<input type="checkbox"/>	Financial evidence and pro-forma analysis, demonstrating lack of a reasonable return and indicating the current annual financial return (income or personal benefit) derived from property in question	0	1	Financial Evidence
<input type="checkbox"/>	Environmental Assessment Form as required by SEQR	0	1	Short or Full EAF
<input type="checkbox"/>	Application fee as established in the Albany Fee Schedule - \$400 – Payable to <i>The City of Albany Treasurer</i>			
B. Voluntary or Upon Request				
<input type="checkbox"/>	Floor Plans (if new construction or an addition), drawn to scale	0	1	Floor Plan [YYYY]-[MM]-[DD]
<input type="checkbox"/>	Survey (A boundary and topographical survey, sealed by an Engineer or Surveyor)	1	1	Survey [YYYY]-[MM]-[DD]
<input type="checkbox"/>	Site plan on 24" x 36" sheet and drafted at a scale that best conveys the development (1"=50', 1"=100', or 1"=200')	1	1	Site Plan [YYYY] [DD] [MM]
<input type="checkbox"/>	Any additional information determined to be necessary by the Chief Planning Official	1	1	[Document Name]
Electronic document submissions shall be sent via email to bza@albanyny.gov , USB Flash Drive, or by another medium approved by the City of Albany Planning Staff. CD and DVD submissions are not accepted.				