

Zoning Board of Appeals Town of Ticonderoga

PO Box 471
Ticonderoga, NY 12883

Telephone (518) 585-9851
Fax (518) 585-3279

TO ALL APPLICANTS:

Zoning must not be so restrictive as to amount to a confiscation or taking of a persons property, and may not extend beyond the evil sought to be curbed. A zoning ordinance may not render land unfit for any reasonable use.

The Zoning Board of Appeals (ZBA) is an administrative body that acts as a buffer between the property owner and the courts. The ZBA is designed to interpret, perfect and insure the validity of the Zoning Ordinance. It must be emphasized that the party who is appealing to the ZBA has the burden of proof before the board.

The Board of Appeals shall hear and determine appeals, or review any order or decision where such order or decision is based upon the requirements of The Zoning Ordinance. The Board of Appeals has the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of The Zoning Ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass by terms of the ordinance. In deciding such matters referred to it by the terms of the ordinance, the Board of Appeals shall give consideration to the health, safety, morals and general welfare of the community. In harmony with the general purpose and intent of the ordinance, the Board of Appeals shall determine that a need for the use in question exists, and that the convenience and prosperity of the community will be served, and that the neighboring persons and property will not be adversely affected.

Read the instructions, procedure requirements and application thoroughly. The application must be complete and submitted to the Zoning Board Administrator. Public hearings and meeting are held in the board rooms in the community building unless otherwise designated. If the application is incomplete, it may be denied or delayed - make sure to supply all required criteria.

Members of the Board of Appeal,

William Grinnell, CHAIRMAN
Joyce Barry
Andy Belkevich
Eric Stoddard
John Rayno
Linda Moore, CLERK

8.20 Board of Appeals

8.21 **Creation, Appointment and Organization:** A board of appeals is hereby created. Said Board shall consist of five members. The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

8.22 **Powers and Duties:** The Board of Appeals shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:

(1) **Interpretation:** Upon appeal from a decision by the Building inspector, to decide any question involving the interpretation of any provisions of this Ordinance, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(2) **Special permits:** Repealed April 12, 2001.

(3) **Variances:** To vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of any provision of this Ordinance shall be granted by the Board of Appeals unless it finds:

(a) That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings.

(b) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

(c) The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Ordinance involved and shall exactly set forth the interpretation that is claimed, the use of which the special permit is sought, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

ZONING BOARD OF APPEALS

CRITERIA FOR AN AREA VARIANCE

AREA VARIANCES. An area variance is a variance to allow a use to be located on a lot which does not conform to the Zoning area, Bulk and Coverage Controls of the ordinance. Article VII applies to pre-existing non-conforming lots.

- A. That the strict application of said dimensional requirements would result in a specific practical difficulty to the applicant; and
- B. How substantial the requested variance is in relation to the requirements; and
- C. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue; and
- D. That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties; and
- E. That the variance would not be materially detrimental to the purpose of this Code or to property in the district in which the property is located, or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the Town, and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

CRITERIA FOR A USE VARIANCE

USE VARIANCE. A variance to allow a use that is prohibited by the code may be granted only in the event all of the following circumstances are specifically found to exist by the ZBA, and are each so stated in the Board's findings. Article VII of the Zoning Ordinance applies to pre-existing non-conforming lots.

- A. That the strict code application of said use provisions of this Code would result in a specified unnecessary hardship to the application which arises because of exceptional or extraordinary circumstances applying to the property and not applying generally to other properties in the same district and which results from lot size or shape legally existing prior to the date of this ordinance, or topography, or other circumstances over which the applicant has had no control;
- B. That the property in question cannot yield a reasonable financial return if used for any permissible use, or site plan review use applicable to the zoning district in which the property is located;
- C. That the variance is necessary for the preservation of a property right of the applicant substantially the same as owners or other property in the same district possess without such a variance; and
- D. That the variance would not be materially detrimental to the purpose of this Code or to property in the district in which the property is located, or otherwise conflict with the description or purpose of the district or the objective of any plan or policy of the Town, and that the variance requested is the minimum variance which would alleviate the specific unnecessary hardship found by the Zoning Board of Appeals to affect the applicant.

ZONING BOARD OF APPEALS
Town of Ticonderoga

Ticonderoga, NY 12883
132 Montcalm Street

Telephone (518) 585-9851
Fax (518) 585-3279

APPLICATION (Type or print all information)

State of New York
County of Essex

Deponent being duly sworn, says that he/she is the owner or authorized agent of (1) the property for which appeal is made, or (2) a properly aggrieved person.

I further state that all information herein is true and correct to the best of my knowledge.

**Signature of applicant
or authorized agent**

Subscribed and sworn to before me

This ___ day of _____, 20__

Notary Public

**Town of Ticonderoga Zoning Board of Appeals
Ticonderoga, New York 12883**

Application Fee: _____ (To be paid at time of filing)

Appeal # _____ **Date Paid:** _____

Parcel Number: _____

Name: _____ **Telephone#:** _____

Address: _____

I (we) hereby appeal to the Zoning Board of Appeals

1. Property Location: _____

2. Provisions of the zoning ordinance appealed, (indicate the article, section, subsection of the zoning ordinance being appealed, by number. Do not quote the ordinance.)

3. Appeal is made for:

- An interpretation of the Zoning Ordinance (sec. 8.22.1) or zoning map (sec.3.33)**
- A variance to the zoning ordinance (sec. 8.22.3)**
- use variance** **area variance**

4. A previous appeal () has () has not been made with respect to the decision of the administrative official (body) or with respect to the property. Such appeal was in the form of () a requested interpretation () a request for a variance.

5. Reason for appeal. Complete only the sections that are relevant to your request. Attach extra sheets if necessary.

- 6. Description of real property from the applicant's deed of record - attach ten (10) copies of deed to application.**
- 7. Attach ten (10) copies of letter from building inspector noting deficiencies for which zoning ordinance variances(s) is required.**
- 8. Attach ten (10) copies of a layout or plot plan clearly drawn to a scale of one-half (1/2) inch equal to twenty (20) feet on an eight (8) and one-half (1/2) by eleven (11) sheet of plain paper showing the actual dimensions of the lot to be built on, the actual size and location of the building and accessory buildings and/or signs to be erected and other information as may be necessary to determine and provide for enforcement of the ordinance.**
- 9. Attach ten (10) clear copies of the tax map showing parcel appealed as it pertains to adjacent parcels. Clearly highlight or outline the specific parcel. Tax numbers must be readable.**
- 10. Attach ten (10) copies of all other permits required.**
- 11. Attach ten (10) copies of all supporting statements.**
- 12. List names & addresses of all adjoining property owners. (if a highway or street borders the property, list the owner on the opposite side) complete all addresses and include all parcel tax map numbers.**

NAMES, ADDRESSES AND TAX NUMBERS

Northerly: _____

Easterly: _____

Southerly: _____

Westerly: _____
