



VILLAGE OF NYACK

Building Department
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FOR OFFICE USE ONLY

File No. _____ Date of Application _____
Planning Board Agenda Date _____ Appeal No _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
Zoning Board Agenda Date _____ Appeal No _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
If the granting of this permit is subject to conditions established by any board, please attach minutes or a copy of the decision to this application as a part of the final permanent record.

APPLICATION TO THE ZONING BOARD OF APPEALS APPEAL FOR A AREA VARIANCE FROM THE ZONING ORDINANCE

ADDRESS OF SUBJECT PROPERTY _____

ZONING DISTRICT _____ SECTION _____ BLOCK _____ LOT _____

EXISTING USE/OCCUPANCY _____

OWNER'S NAME _____

ADDRESS _____ TELEPHONE _____

EMAIL _____

(IF OWNER IS A CORPORATION): NAME OF CORPORATION _____

OFFICER _____ TITLE _____

PREVIOUS APPEAL:
HAD A PREVIOUS APPEAL FOR AN INTERPRETATION OF THE ZONING ORDINANCE, OR A DETERMINATION OF THE ZONING MAP BEEN MADE WITH REGARD TO ANY ORDER, REQUIREMENT, DECISION, INTERPRETATION OR DETERMINATION OF THE BUILDING, AND ZONING INSPECTOR WITH RESPECT TO THIS PROPERTY?

NO _____

YES _____

DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from decision, or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant area variances from the area or dimensional requirements of the local law;

Therefore, I (We), _____, do hereby appeal the decision, or determination of the Building and Zoning Inspector in regard to an application for a Building/Zoning Permit dated _____, for the premises known as _____ and; I (We) do hereby request the Zoning Board of Appeals grant a Variance from the following provision (s) of the Zoning Ordinance of the Village of Nyack:

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____

for the following reason(s): _____

(DECLARATION CONTINUES ON THE REVERSE SIDE)

and I (We), do hereby arrest that the variance requested is the minimum variance that will accomplish this purpose; and I (We), understanding that no use variance shall be granted by the Zoning Board of Appeals without proof of unnecessary hardship, hereby state that the circumstances or conditions hardship which are described herein are applicable under this appeal for a use variance; and that I (We), do hereby as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals of the following:

1. CHARACTER OF THE NEIGHBORHOOD

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN UNDESIREABLE CHANGE OR BE DETRIMENTAL TO NEARBY PROPERTIES:**

2. ADVERSE EFFECT OR IMPACT

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN ADVERSE EFFECT OR IMPACT:**

3. FEASIBLE ALTERNATIVES

Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variance. **DESCRIBE ANY ALTERNATIVES:**

4. PERCENTAGE OF VARIANCE

Whether the requested area variance is substantial. (EXAMPLE: LOT REQUIRES YARD OF 30 FEET, APPLICANT CAN PROVIDE 25 FEET. THEREFORE A VARIANCE OF 5 FEET IS NOT SUBSTANTIAL. CALCULATE THE TOTAL EXCEPTION TO AREA WHICH THE VARIANCE WOULD PROVIDE:

5. DIFFCULTY IN MEETING CODE REQUIREMENTS NOT SELF-CREATED

Whether the alleged difficulty in meeting the requirements of the zoning code is self-create; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. **DESCRIBE WHY THE DIFFICULTY IN MEETING THE REQUIREMENTS OF THE CODE IS NOT SELF-CREATED:**

6. IF UNIQUE PHYSICAL CONDITIONS CONTRIBUTE TO THE HARDSHIP, ANSWER BELOW:

If there are physical conditions applying to the land or buildings for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title, DESCRIBE SUCH CONDITIONS:

(PROVIDE SURVEY, METES AND BOUNDS DESCRIPTION, PLOT PLAN AND FLOOR PLANS, AS APPLICABLE AS PROOF OF SUCH PHYSICAL CONDITIONS).

SIGNATURE OF APPLICANT

DATED:_____