



**ZONING BOARD OF APPEALS  
ALBANY COUNTY  
NEW YORK**

VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
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**VARIANCES**

Effective July 6, 1993, The New York State Village Law, Section 7-712B requires an applicant for variances to meet the following burden of proof.

Please fill out the following documents in the entirety. Missing information may lead to delays in completing the application and approval process. **10 copies are required for each of the following**, unless otherwise noted.

- Application Form
- Environmental Assessment Form
- Current Site Plan
- Floor Plan indicating use of each area

**1. USE VARIANCES:**

No such use variance shall be granted by a Board of Appeals without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located.

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- (b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (d) That the alleged hardship has not been self-created

**2. AREA VARIANCE:**

In making this determination, the Zoning Board of Appeals shall take into

consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant. In making such determination, the Board shall consider:

- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance;
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) Whether the requested area variance is substantial'
- (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

RESIDENTIAL NON-REFUNDABLE  
ZONING VARIANCE

VILLAGE OF COLONIE  
ZONING BOARD OF APPEALS  
**APPLICATION FOR ZONING VARIANCE**

COMMERCIAL NON-REFUNDABLE  
ZONING VARIANCE

ZONING VARIANCE FEES: APPLICATION FOR AN APPEALS TO THE ZONING BOARD OF APPEALS:

1. RESIDENTIAL 1 FAMILY, INCLUDING ACCESSORY STRUCTURES	\$50.00
2. RESIDENTIAL 2 FAMILY INCLUDING ACCESSORY STRUCTURES	\$100.00
3. FOR A BUSINESS	\$150.00
4. APPLICATION FOR SPECIAL EXCEPTIONS SIGN PERMITS AND/OR APPEALS	\$150.00

OWNER'S NAME \_\_\_\_\_ TEL NO. \_\_\_\_\_

PLEASE PRINT

ADDRESS: \_\_\_\_\_ E-MAIL \_\_\_\_\_

**RESIDENTIAL: GARAGE**

ATTACHED: \_\_\_\_\_ UNATTACHED: \_\_\_\_\_ DIMENSIONS: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

INDICATE DISTANCE FROM: \_\_\_\_\_ SIDE LINE \_\_\_\_\_ REAR LINE \_\_\_\_\_ STREET LINE

**ADDITIONS:**

TO SIDE OF HOUSE \_\_\_\_\_ FT. REAR OF HOUSE \_\_\_\_\_ FT. TO FRONT \_\_\_\_\_ FT.

DIMENSIONS: ENTIRE HOUSE \_\_\_\_\_ SQ. FT. PROPOSED ADDTN \_\_\_\_\_ SQ. FT. LOT: \_\_\_\_\_

INDICATE DISTANCE FROM: \_\_\_\_\_ SIDE LINE \_\_\_\_\_ REAR LINE \_\_\_\_\_ STREET LINE

**NEW DWELLING:**

ONE FAMILY \_\_\_\_\_ TWO FAMILY \_\_\_\_\_ APARTMENT \_\_\_\_\_ OTHER: \_\_\_\_\_

DIMENSIONS: BUILDING: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

**COMMERCIAL AND INDUSTRIAL:**

BUILDING: \_\_\_\_\_ GAS STATION: \_\_\_\_\_ OTHER: \_\_\_\_\_

DIMENSIONS: BUILDING \_\_\_\_\_ LOT SIZE \_\_\_\_\_

DISTANCE FROM: \_\_\_\_\_ SIDE LINE \_\_\_\_\_ REAR LINE \_\_\_\_\_ STREET LINE

REASON FOR VARIANCE:

\_\_\_\_\_  
\_\_\_\_\_

INDICATE HARDSHIP: (ATTACH LETTER IF NECESSARY)

\_\_\_\_\_  
\_\_\_\_\_

*PLEASE MAIL IN OR DELIVER TO VILLAGE HALL TO THE ZBA COORDINATOR'S ATTENTION WITH FILING FEE TO VILLAGE OF COLONIE, VILLAGE HALL 2 THUNDER ROAD, ALBANY, NY 12205. MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO VILLAGE OF COLONIE*

DATE: \_\_\_\_\_ OWNER'S SIGNATURE: \_\_\_\_\_

## *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 1 2. If no, continue to question 2.			<b>NO</b>
			<b>YES</b>
			<input type="checkbox"/>
			<input type="checkbox"/>
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>
			<input type="checkbox"/>
			<input type="checkbox"/>
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 checked="" type="checkbox"/> Industrial <input checked="" 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			



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)? If Yes, explain purpose and size:	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name:	Date:	
Signature:		