



# Village of Saranac Lake

Community Development Department

39 Main Street, Suite 9 Saranac Lake, NY 12983-2294

Phone: (518) 891 - 4150

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Web Site: [www.saranaclakeny.gov](http://www.saranaclakeny.gov)

APPLICATION #: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

DATE PAID: \_\_\_\_\_

## AREA VARIANCE APPLICATION REQUIREMENTS

Incomplete application forms will not be accepted. If you have questions when filing out the application, please contact the Community Development Department.

1. **Pre-application Conference** – Before filing a formal application, applicant is encouraged to reach out and schedule a pre-application conference with the Community Development Director to discuss application requirements.
2. **Mandatory staff review submission:**
  - A. **Submit one electronic copy of the following to [comdevassist1@saranaclakeny.gov](mailto:comdevassist1@saranaclakeny.gov):**
    - Area Variance Application Form, signed
    - Area Variance Checklist
    - Copy of survey map showing all necessary dimensions with regard to the proposed action
    - Most recent deed to property (must be in applicant's name)
    - Short Environmental Assessment Form (SEQR)– complete Part 1. Refer to DEC's online mapping tool to complete the form: <https://gisservices.dec.ny.gov/eafmapper/>
    - Waterfront Assessment Form (WAF) - complete Section 1 only
  - B. **Application fee of \$200.00**, in accordance with the [Building, Planning, Zoning, and Public Works Fee Schedule](#). Make check payable to Village of Saranac Lake.
3. **Final submission for review by the Development Board:**
  - A. **Submit one electronic copy of the following to [comdevassist1@saranaclakeny.gov](mailto:comdevassist1@saranaclakeny.gov), and one hard copy addressed to the Community Development Director:**
    - Area Variance Application Form, signed
    - Area Variance Checklist
    - Copy of survey map showing all necessary dimensions with regard to the proposed action
    - Most recent deed to property (must be in applicant's name)
    - Short Environmental Assessment Form (SEQR)- complete Part 1
    - Waterfront Assessment Form (WAF) - complete Section 1 only

The application shall be accompanied by the information listed above. The Community Development Director may require additional submission materials if determined appropriate for the nature and scale of the proposed project. The pre-application conference may be used to determine the application requirements. The information above should be emailed and brought to the Village of Saranac Lake at least three weeks prior to the scheduled Development Board meeting in order to be placed on the agenda. The Board meets on the first Tuesday of each month at 5:00pm in the Village Board Room, 39 Main St., Saranac Lake, NY 12983.

## STANDARDS OF PROOF AREA VARIANCE

Asking the Development Board for an Area Variance means that you want relief from the sections of the Village Development Code that pertain to distance and measurement. For example, your home is in the J-1 District and you want to build an addition that would be 5ft. from your side-yard property line. The Village Development Code requires a setback of at least 10ft. Your permit would be denied because the addition will not meet the requirements of the Development Code.

You have the right to appeal to the Development Board to grant<sup>1</sup> a variance from that section of the Development Code. However, the Development Board cannot grant any Area Variance unless proof is provided by you, the applicant, that your property warrants special treatment. The fact that you simply "want" a variance is not enough. You may bring photos, drawings, etc. with you to explain your situation to the Board. You may also bring letters of support from neighboring property owners if they are unable to attend the public hearing.

The New York State Legislature has enacted into law requirements that an applicant for an Area Variance must furnish as proof to the Development Board establishing the following "hardship tests:"

- 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;
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Development Board, but shall not necessarily preclude the granting of the area variance.

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

"Proof" is not just parroting these criteria. **You must produce "facts" so as to enable the Development Board to carefully consider each of the criteria.** Then the Development Board will weigh the benefit to you as contrasted with the detriment to the Village. Remember that this is your case. The Development Board does not have the power to grant variances unless the required proof is furnished. Applying for a variance does not guarantee that the Development Board will grant the request. The burden of proof is on the applicant for meeting the hardship tests.

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<sup>1</sup> Note: If you are granted the variance(s) requested, you must then contact the Code Enforcement Officer regarding the building permit for your project or the Community Development Director if your project will require further review by the Development Board (e.g., Site Plan Review).

## AREA VARIANCE APPLICATION FORM

<b>Applicant Information</b>	
Applicant Name	
Applicant Address	
Mailing Address, If Different	
Applicant Email	
Applicant Phone	

<b>If Different from Project Applicant</b>	
Property Owner Name	
Property Owner Address	
Mailing Address, If Different	
Property Owner Email	
Property Owner Phone	

### **Project Information**

1. Project Address
  
2. Tax Map #
  
3. Zoning District
  
4. Current Lot Size
  
5. Current Use
  
6. Proposed Use

7. Please provide a written description of the project (description of construction, alteration, extension, expansion restoration). Indicate the exact variance that you are seeking. Example: Rear-yard setback is 20ft., seeking a 5ft. setback.

8. Explain why the variance is necessary:

9. Explain why this variance will not change the character of the neighborhood or cause detriment to nearby properties:

10. List the feasible alternatives (can your goal be achieved by some means other than a variance?):

11. Explain why this variance will not have an adverse effect on the physical or environmental conditions in the neighborhood:

12. Explain why this alleged hardship is not self-created (did you purchase the property with knowledge of the hardship)?

13. Refer to Code dimensional standards at <https://ecode360.com/attachment/SA0109/SA0109-106b%20Schedule%202.pdf> to complete the 'Allowed/Required' column on the Project Data Table below. Complete the 'Requested Relief' column for each standard from which a variance is requested.

Project Data Table	Allowed/Required	Proposed	Requested Relief
Lot Area			
Front Setback			
Rear Setback			
Side Setback			
Shoreline Setback			
% of lot coverage by principle building			
% of lot coverage by impervious surface			
Building height/stories			

14. Please list any professionals who will be assisting you with your application

Name	Company	Profession	Phone	Email

Applicant's Signature \_\_\_\_\_ Date

Property Owner's Signature \_\_\_\_\_ Date

	For Office Use Only – Public Hearing	Date
	Public Hearing Set	
	Mailing list provided to the applicant	

For Office Use Only - Essex County Referral		
Property is located within 500 feet of:	Y	N
Property located in Essex County		
Municipal boundary (village or town)		
County or State Parks		
County or State Roads		
County or State Facilities		