



Village of Saranac Lake

Community Development Department

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

Phone: (518) 891 - 4150

Fax: (518) 891 - 1324

Web Site: www.saranaclakeny.gov

APPLICATION #: _____

DATE RECEIVED: _____

DATE PAID: _____

USE 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:**
 - Use Variance Application Form, signed
 - Use Variance Checklist
 - Copy of survey map or diagram 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 \$250.00**, 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, and one hard copy addressed to the Community Development Director:**
 - Use Variance Application Form, signed
 - Use Variance Checklist
 - Copy of survey map or diagram 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 complete 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 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
USE VARIANCE

Please Note: Applying for a Use 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 and the Development Board will weigh each application on its own merits

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

- The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
- That the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself;
- That the use to be authorized by the variance will not alter the essential character of the locality; and
- That the alleged hardship shall not have been self-created.

In making its determination, the Development Board shall take into consideration the benefit to the applicant if the use variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. No use variance shall be granted without a showing by the applicant that applicable zoning regulations have caused unnecessary hardship.

"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.

USE VARIANCE APPLICATION FORM

Applicant Information	
Applicant Name	
Applicant Address	
Mailing Address, If Different	
Applicant Email	
Applicant Phone	

If Different from Project Applicant	
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. Date acquired by Current Owner

6. Current Use

7. Proposed Use

Criteria Response

No use variance shall be granted without a showing by the applicant that applicable zoning regulations have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Development Board that, for each and every permitted use under this code for the district in which the applicant's property is located:

- 8. Reasonable return. The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by this chapter. There must be dollars-and-cents proof of the property's inability to earn a reasonable return; failure to realize the highest return is not considered a hardship. Proof required to show dollars-and-cents proof is not met by a simple statement by the applicant, or on the part of a realtor, that the land will not at this time attract a buyer or developer for a purpose consistent with this chapter. The New York Court of Appeals has stated that dollars-and-cents proof may be shown by the following documented items:
 - a. The amount paid for the parcel of land in question
 - b. The current value of the parcel
 - c. The maintenance expenses
 - d. The amount of taxes on the land
 - e. The amount of mortgages and other encumbrances, such as liens on the property
 - f. Income from the land
 - g. Other facts relevant to the particular circumstances of the case

- 9. Has the property been listed for sale with the Multiple Listing Service (MLS)?
 - a. If yes, for how long:
 - i. Original listing date(s): Original listing price:
 - ii. If the listing price was reduced, describe when and to what extent
- 10. Has the property had a "For Sale" sign posted on it?
 - a. If yes, list dates when sign was posted:
- 11. How many times has the property been shown and with what results?

12. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

13. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

14. That alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim “unnecessary hardship” if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

15. Please provide a written description of the project (description of construction, alteration, extension, expansion restoration). Indicate the exact variance that you are seeking.

16. 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		