



Town of Fishkill
Zoning Board of Appeals
807 Route 52
Fishkill, NY 12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256

APPLICATION FOR A USE VARIANCE

| | |
|----------------------------|---|
| FOR OFFICE USE ONLY | |
| Application No.: | ZB <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> |
| Application Fee: | <input type="text"/> |
| Escrow Deposit: | <input type="text"/> |
| Escrow Account No. | <input type="text"/> |

Note: If all information does not fit on this form, please attach additional pages to this form.
If any items are not applicable on this form, please indicate so as N/A.

APPLICANT'S INFORMATION (ENTIRE SECTION MUST BE COMPLETED)

Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

PROPERTY OWNER'S INFORMATION (ENTIRE SECTION MUST BE COMPLETED)

(If the Applicant does not own the property, the Applicant must submit a statement from the Property Owner authorizing the Applicant to appeal on his/her behalf)

Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

REPRESENTATIVE'S INFORMATION (ENTIRE SECTION MUST BE COMPLETED)

Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

| |
|--|
| FOR OFFICE USE ONLY - DATE RECEIVED |
| |



**Town of Fishkill
Zoning Board of Appeals
807 Route 52
Fishkill, NY 12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256**

APPLICATION FOR A USE VARIANCE

Note: If all information does not fit on this form, please attach additional pages to this form.
If any items are not applicable on this form, please indicate so as N/A.

**PROFESSIONAL ENGINEER, ARCHITECT OR LAND SURVEYOR INFORMATION
(ENTIRE SECTION MUST BE COMPLETED)**

Name: _____
Mailing Address: _____
City/Town: _____ State: _____ Zip Code: _____
Telephone Number: _____ Fax Number: _____
E-Mail Address: _____
License Number: _____

**ATTORNEY INFORMATION
(ENTIRE SECTION MUST BE COMPLETED)**

Name: _____
Mailing Address: _____
City/Town: _____ State: _____ Zip Code: _____
Telephone Number: _____ Fax Number: _____
E-Mail Address: _____

APPEAL CONCERNS THE FOLLOWING PROPERTY (ENTIRE SECTION MUST BE COMPLETED)

The Applicant's Appeal from a decision concerns the following:

Tax Grid Number: _____ - _____ - _____ Acres: _____

Tax Grid Number: _____ - _____ - _____ Acres: _____

Property Street Address: _____

Property Street Address: _____

Property is located in _____ Zoning District(s)

Year Owner acquired the property: _____



**Town of Fishkill
Zoning Board of Appeals
807 Route 52
Fishkill, NY 12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256**

APPLICATION FOR A USE VARIANCE

Note: If all information does not fit on this form, please attach additional pages to this form.
If any items are not applicable on this form, please indicate so as N/A.

**APPEAL CONCERNS THE FOLLOWING PROPERTY (ENTIRE SECTION MUST BE COMPLETED)
(CONTINUED)**

The Applicant's Appeal from a decision of the Zoning Enforcement Officer or as directed by the Planning Board as permitted by New York State Law, concerns the following:

- Town of Fishkill Planning Board Action Denial
- of an Application for a Building Permit.
- Denial of an Application for a Certificate of Occupancy.

Interpretation of Town Code Chapter:

Proposed activity:

The Denial was based on the following Section(s) of the Town Zoning Code: _____

The Date of the Zoning Enforcement Officer's Decision: _____

Description of the type of Use Variance requested:

Is the property within 500' of any of the following?

- | | |
|--|---|
| <input type="checkbox"/> Village of Fishkill | <input type="checkbox"/> City of Beacon |
| <input type="checkbox"/> Town of Wappinger | <input type="checkbox"/> Interstate 84 |
| <input type="checkbox"/> Town of East Fishkill | <input type="checkbox"/> State or County Road (Rt 9, Rt 9D, Rt 52, Rt 82, DC Route 34, DC Rt 34, DC Rt 35 and DC Rt 36) |

Existing or proposed right-of-way of any stream, creek or river? (Please describe): _____

Wetlands or wetland buffer areas



Town of Fishkill
807 Route 52
Fishkill, NY
12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256

APPLICATION FOR A USE VARIANCE

Note: If all information does not fit on this form, please attach additional pages to this form.
If any items are not applicable on this form, please indicate so as N/A.

CRITERIA FOR A USE VARIANCE (ENTIRE SECTION MUST BE COMPLETED)
(CONTINUED)

No Use Variance will be granted without proof being shown by the Applicant that applicable Town Zoning Regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by the current zoning of the property, including uses allowed by Special Use Permit. Describe below how each of the four (4) tests are met and attach a copy of any supporting materials.

1. The Applicant cannot realize a reasonable return, as shown by competent finance evidence. The lack of a return must be substantial.

Proof: _____

2. The alleged hardship relating to the property is unique (the hardship may not apply to a substantial portion of the Zoning District or neighborhood.)

Proof: _____

3. The requested Use Variance, if granted, will not alter the essential character of the neighbor.

Proof: _____

4. The alleged hardship has not been self-created.

Proof: _____



**Town of Fishkill
Zoning Board of Appeals
807 Route 52
Fishkill, NY 12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256**

APPLICATION FOR A USE VARIANCE

ACKNOWLEDGEMENT

In accordance with Town of Fishkill Town Code §150-98, the undersigned Owner, and if different, the undersigned Applicant acknowledge and agree to the following:

In the event of failure to reimburse the engineer, legal and consulting expenses incurred by the Town with regard to this Application, the Town may seek recovery of such expenses by action venued in a court of appropriate jurisdiction and the Owner and the Applicant, if different, shall be jointly and severally responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action. In the alternative, and at the sole discretion of the Town, a default reimbursement of such expenses incurred by the Town, with regard to this Application, shall be remedied by charging such unpaid sums against the subject property and collecting such unpaid sums along with any other charges against the subject property.

Applicant's Signature

Date

Owner's Signature

Date

Representative's Signature

Date



**Town of Fishkill
Zoning Board of Appeals
Fishkill, NY 12524
Phone: (845) 831-7800 ext. 3328
Fax: (845) 831-3256**

APPLICATION FOR A USE VARIANCE

APPLICATION CHECKLIST

All items listed below must be submitted at time of application to the ZBA and must be submitted in accordance with the current year’s ZBA Meeting Schedule of Meetings, which lists the deadline dates for all ZBA Meetings. The current year’s ZBA Meeting Schedule may be obtained on the Town’s website at www.fishkill-ny.gov on the homepage under the dropdown menu entitled Board & Meetings/Meeting Schedules or you may visit the Town Hall and obtain a copy from the ZBA Secretary.

Items Required with an Application for an Use Variance:

- Application Fee: Residential = \$300.00
Commercial = \$750.00
- Escrow Deposit: Residential = \$1,000.00
Commercial = \$2,500.00
- One CD (compact disc) containing a copy of the completed Application, Environmental Assessment Form, Professional drawings, Building Permit Denial Letter, Owner’s Consent Letter and any other documentation being submitted as part of this application in PDF format.
- One (1) list of all property owners’ names, addresses and Tax Grid Numbers for all property owners within 500 feet of the project site. The listing of all property owners within 500 feet of the project site must be obtained from the Assessor’s Office.
- Envelopes with a return address of Town of Fishkill ZBA, Town of Fishkill, 807 Route 52, Fishkill, NY 12524 with mailing labels and first-class postage affixed to them for all property owners within 500 feet of the project site.

One (1) original and 12 copies of the following: (Please be sure to separate your submission into 13 complete sets.)

- Application for a Use Variance
- Environmental Assessment Form (EAF) - submission of Short EAF or Long EAF must be determined by the Town Building Inspector/Zoning Administrator.
- Professional drawings along with a plot plan or site plan outlining the project.
- Town Building Inspector/Zoning Administrator’s Decision
- Owner’s Consent Letter (if applicable)
- Any additional supporting documentation