

JOINT ZONING BOARD OF APPEALS FOR THE TOWN AND VILLAGE OF GREENWICH

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Guidelines for Completing an Application for a Use Variance

Overview

The Zoning Ordinance defines a Use Variance as the authorization by the Zoning Board of Appeals (ZBA) for the use of land for a purpose which is otherwise not allowed or is prohibited by the Zoning Ordinance.

Application

An applicant seeking a Use Variance must prove "unnecessary hardship." To prove this, the applicant is required to show all of the following:

1. The property is incapable of earning a reasonable return on the initial investment if used for any of the allowed uses in the district. This is actual "dollars and cents" proof that must be submitted for each and every use within a district as listed in the Use tables of the Zoning Ordinance.
2. That the alleged hardship relating to the property in question is unique, or at least of highly unusual circumstances, and does not apply to a substantial portion of the district or neighborhood.
3. That the Use Variance, if granted, will not alter the essential character of the neighborhood.
4. That the alleged hardship has not been self-created.

The applicant must complete an Application for a Use Variance in its entirety. Attach additional pages, documentation and drawings as necessary to explain your reasoning.

Application Fee of \$100 is due upon submission. (checks made payable to Town of Greenwich)

Findings & Decisions

The ZBA will consider the four factors above when deciding.

April 2026

JOINT ZONING BOARD FOR THE TOWN AND VILLAGE OF GREENWICH
APPLICATION FOR USE VARIANCE

Application No. _____ (assigned by ZBA) Date _____

COMPLETE ALL OF THE FOLLOWING:

Appeal Concerns Property at the following address:

Site Location: Name of street or road: _____

Tax Map ID / SBL # of Property: _____

TOWN OR VILLAGE (Circle one)

Zoning District: _____

Applicant: _____

Complete Mailing Address: _____

Telephone Number: _____

Date applicant acquired property: _____

(If property is not owned by the applicant, the applicant must submit a designated agent form authorizing the applicant to appeal on his/her behalf.)

Current lot usage: _____

The applicant's appeal from a decision of the Zoning Enforcement Officer, or on direct appeal from the Planning Board concerns the following:

- ___ Denial of an application for a Building Permit (attach copy)
- ___ Denial of an application for a Special Use Permit or Site Plan Review (circle one & attach copy)
- ___ Denial of an application for a Certificate of Occupancy (attach copy)

For the proposed activity:

Denial was made because of a violation or conflict with the Zoning Code(s): _____

Date of Zoning Enforcement Officer's Decision: _____

State the reason you are applying for a Use Variance _____

TEST: No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit and site plan review.

Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of 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: _____

Describe the Character of the Neighborhood

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

Proof: _____

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

Proof: _____

Please include Names & COMPLETE 911 or PO BOX ADDRESSES AND ZIP CODES (**per tax rolls**) of all property owners within 500 feet **including across the street** of the affected parcel. If more space is needed please see attached adjoining list form.

North: _____

South: _____

East: _____

West: _____

Applicant Signature _____

Title _____

Date _____

AGENCY DESIGNATION FORM – USE VARIANCE

The owner or their representative must be present at all meetings on this proposal.

I, _____, the owner of property in the Town of Greenwich or Village of Greenwich (whichever is applicable) in Washington County, New York, Hereby designate _____, to act as Representative and agent in connection with any proceeding for a use variance of real property in the Town of Greenwich or Village of Greenwich (whichever is applicable), in Washington County, New York and I grant to the said representative and agent the authority to fill applications, make representations and warranties as if they were my own, and in every respect act on my behalf. In making this designation I understand that the verbal and written comments, utterances or statements made by my representative and agent shall be treated and considered as if they were made by me, and I shall be bound by such comments, utterances and statements as if I made them. I make this agency designation so that my personal appearance before any governmental entity or board for the Town of Greenwich or Village of Greenwich (whichever is applicable) is not necessary, and with the understanding that my designated representative and agent shall have total authority to represent my interests.

Signature _____

Sworn to Before me on this _____ day of _____, 20____

Notary Public _____

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.

Part 1 – Project and Sponsor Information				
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 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <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, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. 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: _____ _____	NO	YES
	<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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

