

**TOWN OF ANCRAM  
ZONING BOARD OF APPEALS  
1416 County Route 7  
Ancram, New York 12502  
Telephone (518) 329-6512 Fax (518) 329-6537  
zoningboard@townofancram.org**

**Instructions**

The State and Local Zoning Law provide that the following requirements shall be met before the ZBA can grant a variance:

**Use Variance**

A use variance is defined by state law as “the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.”

The use variance applicant has the burden to show that the applicable zoning requirements have caused unnecessary hardship with respect to the applicant’s property. In order to show unnecessary hardship, the applicant must establish each part of the following four-part test set forth in State and Local law:

1. Deprivation of all economic use or benefit from the property in question;
2. That the particular hardship is unique in that it is not shared by a substantial portion of the district or neighborhood;
3. That if the use variance is granted, it will not alter the essential character of the neighborhood;
4. That the alleged hardship has not been self-created.

**Area Variance**

An area variance is defined by state law as “the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional topographical requirements of the applicable zoning regulations.”

The Board may grant an area variance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, if the strict application of the law would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved.

The state law, which takes precedence over the town law, provides a balancing test: “the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community.”

Since the Board must consider five separate aspects of the effect of the proposed variance and, the applicant **MUST address them in writing** with the application:

1. Any change in the character of the locality that might result.
2. A report on alternative methods to achieve what the applicant desires.
3. The degree of variance sought, what is the minimum variance that would meet the applicant’s needs.
4. The effect on the physical and/or environmental conditions existing in the locality.
5. Was the difficulty self-created?

In contrast to the use variance test, the five factors when considered together must balance in favor of granting the variance.