

Town of Buchanan Variance Requirements Checklist

A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Fees for variances are listed in the Town of Buchanan Fees & Licenses Schedule. A variance shall only be issued upon order of the Board of Appeals.

Variance Procedures

- Application submitted using Town Application for Variance form and applicable fee provided. A total of 6 copies are requested.
- Public hearing shall be scheduled by the Town Administrator with the Town Board of Appeals within 60 days of filing. Class 2 public notice shall be completed by the Town.
- Class "A" hearing shall be conducted by the Board of Appeals.
- Board of Appeals approves or denies application.
- Appeals may be taken within 30 days after filing of the decision, remedy available by certiorari.

Submittal Requirements:

- A plot plan, drawn to scale, showing the area involved, its location, dimensions and the location of any structures on the property and the location, if appropriate, of any structures within 300 feet of the property in question.
- A statement addressing reason for request and how requirements for Variance are met.
- Non-refundable fee paid per Buchanan Fees & Licenses Schedule.
- Completed application form.
- Total of six (6) copies of application and attachments.

Requirements for a Variance

In general, the power to authorize a variance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variances shall be granted for actions which require an amendment to the zoning ordinance. Variances shall only be granted when the Board of Appeals finds:

- Variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of the zoning ordinance.
- The variance will not permit the establishment of a use which is not permitted or permissible in the zoning district.

- Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- The hardship is not shared generally by other land or buildings in the area.
- The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.