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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

APPLICATION FOR AREA VARIANCE

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

Name	Name of Owner if other than Applicant
Mailing Address	Mailing Address
City/State/Zip	City/State/Zip
Contact Number	Contact Number
Email Address	Email Address

Property Information

Section _____ Block _____ Lot _____ Zoning District _____ Size _____ acres

Physical address: _____ Flood Zone: [] Yes [] No

Parcel is located on a _____ TOWN _____ COUNTY _____ STATE _____ PRIVATE road.

Is the parcel located within 500 feet of any County or State road or property? _____ yes _____ no

Is the parcel located within 100 feet of any mapped water course? _____ yes _____ no

Dimensions of Existing Building: _____ (including height) Square Footage: _____

Dimensions of Proposed Building: _____ (including height) Square Footage: _____

Dimensions of Proposed Addition: _____ (including height) Square Footage: _____

Maximum Structure Coverage Allowed: _____ % Variance Percentage Requested: _____ %

Proposed Setbacks: Front _____ ft. Rear _____ ft. Side _____ ft. Side _____ ft.

Required Setbacks: Front _____ ft. Rear _____ ft. Side _____ ft. Side _____ ft.

Variance Requested: Front _____ ft. Rear _____ ft. Side _____ ft. Side _____ ft.

CRITERIA FOR THE ISSUANCE OF AN AREA VARIANCE

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood of community by such grant. In making such determination the board shall also consider:

Each of the five listed criteria must be answered by the applicant with a narrative.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

3. Whether the requested area variance is substantial:

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance:

Any supporting documents should be submitted as a part of the application to the Zoning Board of Appeals.

At least 10 days prior the Zoning Board of Appeals meeting the following will be submitted to the Zoning Office:

1. Six (6) copies of the application and all supporting documents
2. Six (6) copies of the plot/site plan detailing the proposed project and giving a diagram of the property showing all the existing and proposed buildings/structures, indicating the setback dimensions from each property line, stream, road, right of way, and other buildings/structures on the property.
3. A PDF copy of application, supporting documents, and plot/site plan.
4. Application fee: **\$100, plus \$50 for any additional area variances within the same application.**

Once your complete application is submitted to the Zoning Department, it will be scheduled for a PRELIMINARY HEARING, during which time the applicant will present their case to the Board of Appeals. The Board will review the application and all supporting documents, and if all requirements have been met, the applicant will be scheduled for a PUBLIC HEARING, usually at the next regular monthly meeting of the Board of Appeals. During the intervening period, the Zoning Office will notify the applicants abutting and adjacent property owners of the pending application and public hearing date. The cost of notifying the abutting and adjacent property owners via certified mail will be the responsibility of the applicant regardless of the Boards decision.

STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above-described property, hereby apply for approval of the proposed variance in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Zoning Officials and their authorized representatives. Fees are due and payable to: Town of Shandaken upon submission of the application.

Signature(s)



Date

OFFICE USE ONLY

Date Recd: _____ Recd By: _____ Application Fee: _____ [] paid

File Number: _____

Preliminary Hearing: _____ Public Hearing: _____

Application [] approved [] denied Date: _____

ZBA Area Variance Narrative

Restful Refuge Retreat – Directional Sign

Location: Mount Tremper, Town of Shandaken, NY; SBL 25.11-1-22.311 (5305 Rt 212 Mt. Tremper)

The Applicant, Restful Refuge Retreats LLC, is requesting an area variance from §116-25(C)(2) to permit a single, non-illuminated freestanding identification sign for a nonresidential use in an R District, where wall signage is otherwise required.

Sign Location

The proposed sign will be located on a private access road easement at its intersection with State Route 212. The sign will be installed entirely within the private road easement and not within the State Route 212 right-of-way. Placement is intended solely to identify the entrance to the private access road serving the project and does not direct or regulate highway traffic.

Written, notarized consent from the property owner who controls the easement has been provided and is included with this application, authorizing placement of the sign at this location.

Sign Description

The proposed sign is modest in scale and non-illuminated, consistent with the rural character of the area:

- **Dimensions:** 24 inches wide × 30 inches high
- **Height above grade:** Approximately 4 feet
- **Construction:** Matte black powder-coated aluminum posts with an aluminum composite panel
- **Appearance:** Off-white background with forest-green logo and charcoal-gray text
- **Lighting:** None

The sign displays only the name of the establishment, *Restful Refuge Retreats*, and contains no commercial advertising or off-site messaging.

Code Context and Variance Requested

The sign's placement is requested at a location not directly on the Applicant's parcel, but rather on a private road easement that serves as the sole access point to the property. Because the project entrance is not visible from Route 212, the sign is necessary for safe and clear identification of the access road.

The requested variance is limited to location.

Justification

- The sign improves wayfinding and reduces unsafe stopping or turning movements along Route 212.
- The sign is minimal in size and visual impact.
- No feasible alternative location exists on the Applicant's property that would provide adequate visibility.
- The sign will not create neighborhood character impacts or visual clutter.
- Written authorization from the easement owner has been secured.

For these reasons, the requested area variance represents the minimum relief necessary to allow reasonable identification of the project entrance.