



## Informational Brochure Variances Town of Bolton

The Town of Bolton Landing Informational Brochure series has been developed to provide the public with information on land use regulations commonly affecting activities undertaken by the public and administered by this office. It is *not* intended to be a complete statement of all applicable regulations and individuals are encouraged to contact the office for complete permitting requirements.

---

What is a Variance?

**The Town of Bolton Zoning Ordinance was developed and adopted with the intent to address all development concerns that might arise. There are instances where a strict application of the ordinance might present undue difficulties for a property. A solution to these obstacles is to request a Variance from the ordinance requirements.**

Who decides the outcome of Variances?

**The Zoning Board of Appeals is a Board made up of 7 citizen volunteers, appointed by the Town Board for a term of 4 years, with statutory authority to decide these matters.**

What kind of Variance do I need?

**For projects involving construction that will not meet the dimensional requirements; (setbacks, size, area) an Area Variance will be required.**

**For a project seeking to establish a use; (business, residence, activity) that is not allowable in a certain zoning district, a Use Variance will be required.**

**The Zoning Administrator will identify the type of Variance necessary after a review of your proposed project.**

How do I identify when a Variance is required?

**Typically, you present your proposal to the Zoning Administrator who reviews and**

**determines whether your plans meet the requirements of the ordinance or whether a variance will be necessary. If your project requires a variance, the Zoning Administrator will notify you and inform you of the reasons why a variance is necessary. Alternatively, an applicant may anticipate the need for a variance by way of a pre-application meeting or fact finding mission or by other means. In this case, the Zoning Administrator can help identify what variance(s) may be required. Variance application forms are available at the Town Zoning Office, or on the Town of Bolton website. [www.town.bolton.ny.us](http://www.town.bolton.ny.us)**

How much will it cost and how long will it take?

**Fees for variances are \$65.00**

**The Zoning Board of Appeals meets once a month, usually on the 2nd or 3rd Monday of the month. Many projects may be decided after one meeting, while more complex projects may require several meetings.**

Do my neighbors have to like my project for the Variance to be approved?

**The Zoning Board of Appeals is the only voting body when determining the outcome of a variance. While the public is informed of your proposed project, and public comment is accepted, the public at large does not vote on your application. If valid concerns are raised during the public hearing for your application, the Board will consider such comments when ruling on the variance proposed.**

# Informational Brochure

Do I need an attorney for this?

**No. Having an attorney is not necessary when seeking a variance. However, in some instances, where the details of a project are complex and involved, it may be beneficial to seek professional help.**

What if I disagree with the Zoning Administrator?

**If you disagree with the Zoning Administrator's determination that a variance is required, you may appeal the decision to the Zoning Board of Appeals. The procedure is similar to an application for a variance, in that the Zoning Board is the only voting body in the matter. The Board is charged with deciding whether or not the decision made by the Zoning Administrator was correct, according to the Zoning Ordinance.**

What happens after the decision of the Board?

**If the Zoning Board approves your project, you have up to one year to "act" on the approval, (applying for all permits and commence building).**

**If the Zoning Board denies your project, permits cannot be issued. You may resubmit a request for the Board to consider, if at the discretion of the Board, your new proposal is considered to be significantly different from the original proposal.**

**Whenever the Zoning Board tables your application, you may submit additional information for consideration.**

Can the Town help me get my Variance?

**NO. Town staff can only assist you with the requirements of the Town Code and help to identify potential areas of concern to the Zoning Board. We cannot represent your application to the Board. You or your representative must be present for the Board to hear your proposal.**

Need More Information?

**Got a question on required permits, the permit process, application requirements? Call or make an appointment to see the Zoning Administrator:**

Pamela Kenyon

518 644-2893

Monday – Friday 8:00-4:00

**Have a question regarding building permits or building codes, call or make an appointment with the:**

Warren County

Building & Codes Department

518 761-6410

**Visit the Town of Bolton on the web at [www.town.bolton.ny.us](http://www.town.bolton.ny.us) for the Informational Brochure Series, or to access an electronic copy of the Town Code, look under the Zoning Office department. Our offices are located at 4949 Lakeshore Drive.**