

TOWN OF CHARLTON  
ZONING BOARD OF APPEALS  
APPLICATION AND APPEAL  
(Special Use. / Variance)

Case Number: \_\_\_\_\_ Date of Application: 3/30/23 Tax Map No: 224. -1- 16.1  
& 224. -1- 17

**1. APPLICANT**

**OWNER** (if different)

Name: David Bogardus PLS  
North East Land Survey  
Address: PO Box 2140

Name: Paul & Margaret Kondrat  
Address: 2304 Route 67

Malta NY 12020

Amsterdam NY 12010

Phone: (518) 899-7339

Phone: (518) 882-9844

**2. LOCATION OF PROPERTY:**

Address: 2304 & 2306 Route 67  
Town of Charlton

**CURRENT ZONING:** Residential ☒, Res/ Agri \_\_\_\_\_, Agricultural \_\_\_\_\_

**3. TYPE OF APPLICATION: (Check One)**

• Variance: Use \_\_\_\_\_, Area ☒

• Interpretation of Zoning Ordinance or Map: Lot Area  
(Cite Sections for Interpretation)

• Special Use

Permit: \_\_\_\_\_ Other: \_\_\_\_\_

**4. PROJECT DESCRIPTION:** Approval of an area variance so  
that the property owners may adjust the boundary  
line between (2) adjoining parcels that they own.

**5. REQUIRED MATERIALS:** Applicant must provide 12 copies of the following:

- Completed Application
- Site Plan showing area of concern; additions, extensions, etc., including dimensions.
- Section of Tax Map showing surrounding lots.
- Names and addresses of neighboring property owners.  
For Variance: One lot on each side, the lot directly across, and one lot on each side of it,  
and the lot to the rear, and one lot on each side of it.  
For Special Use Permit: 1500 or 2500 feet. (See Zoning Regulations)

(ZBAAPL1)

**6. USE VARIANCE-** Note: The Zoning Board of Appeals is without authority to issue a USE VARIANCE unless the applicant can demonstrate that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the alleged hardship has not been self-created.

**7. AREA VARIANCE** - The Zoning Board Of Appeals is required to balance these two elements in granting of variances: (1) The benefit to the applicant from the variance and (2) the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were to be granted. The provision sets forth five factors for the board to consider in balancing these interests:

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 variance.

2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.

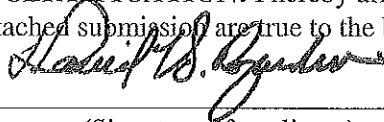
3. Whether the requested variance is substantial.

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, (that it was will not necessarily preclude the granting of the area variance.)

**8. INTERPRETATION SUBMISSION REQUIREMENTS** - Explain the nature of the requested interpretation:

**9. CERTIFICATION:** I hereby affirm and say that all the above statements and the statements contained in the attached submission are true to the best of my knowledge and belief:



(Signature of applicant)

3/30/2023

(Date)