

TOWN OF PERRY
22 South Main Street, P.O. Box 205,
Perry, New York 14530

Lisa A. Perez, Zoning Officer
Office Hours: Tuesdays 5:00 p.m. ~ 7:00 p.m. or by appointment
Email: perryzoning@rochester.rr.com
Voicemail: (585) 356-9177

Application for Variance

Variance Number 20____-_____

- ❖ The Zoning Board of Appeals shall have the power and duty to grant variances where it finds:
 1. That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this law would deprive the applicant of the reasonable use of such land or buildings.
 2. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.
 3. That the granting of the variance will be in harmony with the general purpose and intent of this law and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- ❖ A public hearing is required. Payment must be made before the hearing can be held.
- ❖ There is a \$120.00 fee for each variance application. In addition, the applicant is responsible for registered letter postage to each neighbor within two hundred (200) feet of the property for which the variance is sought.
- ❖ The applicant must submit a map or drawing clearly indicating where the intended construction or use of land is being proposed. Map must also specify dimensions along with distances from property lines and roads.
- ❖ The Zoning Board of Appeals has the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

☐ AREA VARIANCE REQUEST

For an area variance, Section 267-b.3 of the Town Law states that the ZBA shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant and that the board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance;
2. Whether the benefit sought by the applicant can be achieved by some other 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 in the district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not preclude the granting of the area variance.

Applicant has been denied permission to _____
by the Town of Perry Zoning Officer as shown on the accompanying Application and/or plans or other
supporting documents, for the stated reason that the issuance of such permit would be in violation of _____
_____ of the Town of Perry Zoning Law.

Will you have an attorney representing you at the hearing? ☐ Yes ☐ No If yes, please provide his/her name,
address and telephone number:

Name: _____
Address: _____
Phone No.: _____

I hereby certify that I have read, examined and understand this application and know the same to be true, correct
and to the best of my knowledge.

Signature of Applicant: _____
Mailing Address: _____
Phone No.: _____
Dated: ____ - ____ - ____

☐ USE VARIANCE REQUEST

For a use variance, Section 267-b.2 of the Town Law states that no use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship and that to prove such hardship the applicant shall demonstrate:

1. That for each and every permitted use under the zoning regulations for the particular district where the property is located, the applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by the competent financial evidence;
2. That 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 district or neighborhood; and
4. That the alleged hardship has not been self-created.

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_____ of the Town of Perry Zoning Law.

Will you have an attorney representing you at the hearing? ☐ Yes ☐ No If yes, please provide his/her name,
address and telephone number:

Name: _____
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I hereby certify that I have read, examined and understand this application and know the same to be true, correct
and to the best of my knowledge.

Signature of Applicant: _____
Mailing Address: _____
Phone No.: _____
Dated: ____ - ____ - ____