

Use Variance Application

to the Village of Penn Yan

Zoning Board of Appeals

All applications must be completed with as much detail as possible and include a survey map of the property (aka plat map or property map). For a copy of your survey map visit Yates County Public Records. The ZBA meet on the last Monday of the month (barring holidays) at 7:00 p.m. The deadline for application submission is variable and dependent on the circumstances of the request. The Office of Zoning and Building Inspection can confirm when your appeal will be heard at the time of submission.

Use Variance Requirements

- Submit a completed application.
- Include a completed [Short Environmental Assessment Form: Part 1 Project Information](#) (SEQR)
- Include a survey map of the property with the details of your request, photos and other applicable materials.
- Include Notice of Denial issued by the Office of Zoning and Building Inspection.
- Include the application fee of \$250, checks made payable to the Village of Penn Yan.

Three Most Frequent Reasons for Variance Denial

First, practical difficulty was not shown, or even though it was shown, there is some means other than a variance available to the applicant to address the problem. These variances are denied because they are not considered to be necessary.

Second, even though practical difficulty was shown, a variance will be denied if the impact of the requested variance upon the neighborhood or surrounding properties would be too great. This board is required to take into account the good of the Village as a whole and not grant an individual relief if the common good would be impacted.

Finally, variances are generally denied if the practical difficulty shown is not unique. The board is required to determine whether the difficulty is unique to a given property or to circumstances peculiar to that property. State law prohibits the board from approving a variance if an applicant cannot establish their difficulty is unique. The rationale for this limitation is that the granting of variances to address difficulties which are common to a given region or type of use, amounts to actually changing the zoning law one variance at a time. The proper legal procedure in such a case is not a variance, but a request to change the law; a request this board cannot act upon. Regrettably the Zoning Board of Appeals sometimes finds an applicant to have a legitimate concern, but is nonetheless compelled to deny the requested variance because the described difficulty is not sufficiently unique.

Applicant Name _____

Appeal No. _____ Date _____

Use Variance Application

Village of Penn Yan – Zoning Board of Appeals

Application type ☐ Use Variance

Property Information

Address _____

Tax ID _____ Zoning District _____

Applicant Information

Name _____

Address _____

Phone _____ Email _____

Property Owner Information

Name _____

Address _____

Phone _____ Email _____

I (we) hereby appeal for a variance to the Village of Penn Yan code as a result of a denial for zoning compliance received from the Code Enforcement Officer, dated _____. The code(s) that prevented a building permit from being issued is Section 202 – _____.

Describe the proposed project and request for variance.

Benefit to Applicant. Describe how the requested variance would benefit the project.

Applicants for a Use Variance must demonstrate to the Zoning Board of Appeals that applicable zoning regulations and restrictions cause unnecessary hardship. The following criteria must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance criteria are met. Attach supporting materials.

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Demonstration of Hardship. Describe how a reasonable return cannot be realized, demonstrated by competent financial evidence.

Unique Circumstances. Describe how the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.

Character of Neighborhood. Describe whether the requested variance will alter the essential character of the neighborhood.

Not Self-created. Describe how the alleged hardship is not self-created.

Signature and Verification

The applicant hereby states that all information given is accurate as of the date of the application. The applicant, if not the owner of the property, hereby swears that this application is made with the informed knowledge and consent of the owners.

Signature of Applicant

Date

The property owner hereby states that all information given is accurate as of the date of the application and gives permission to the applicant to submit to the Village of Penn Yan Zoning Board of Appeals on their behalf.

Signature of Property Owner

Date