

# Area 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. 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 will confirm when your appeal will be heard at the time of submission.

### Sign Area Variance Requirements

- Submit a completed application.
- Include a color depiction of the proposed sign, to scale with dimensions.
- Include a plan showing the **exact** location and positioning of proposed signage.
- Include a survey map with the details of your request.
- Include a completed [Short Environmental Assessment Form](#). *Required for commercial, multi-family (4+)*
- Include the application fee of \$50, checks made payable to the Village of Penn Yan.

### Area Variance Requirements

- Submit a completed application.
- Include a survey map with accurate measurements and locations of all proposed structures, lot size, dimensions of existing structures (including height), driveway, adjoining roads and setback measurements.
- Include a completed [Short Environmental Assessment Form](#). *Required for commercial, multi-family (4+)*
- Include the application fee of \$50, checks made payable to the Village of Penn Yan

*Pursuant to Title 6, NYCRR §617.5, Type II Actions numbered 16, 17 and 18 do not require SEQR review; all others are considered Unlisted Actions and require a completed Short Environmental Assessment Form.*

### 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 consider the good of the Village as a whole and not grant 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 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.

Property \_\_\_\_\_ Appeal No. \_\_\_\_\_ Date \_\_\_\_\_

# Area Variance Application

## Village of Penn Yan Zoning Board of Appeals

### 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 because 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 – \_\_\_\_\_.*

\_\_\_\_\_ Check if the subject property within 500 feet of a town boundary, State or County building, State or County roadway or public park?

### Briefly describe the proposed project and request for variance.

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

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### Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than a variance.

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*Continued →*

**Character of Neighborhood.** Describe whether the non-conforming request will have an undesirable change in the neighborhood character or be a detriment to nearby properties.

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**Substantial.** Describe whether the requested variance is substantial in nature.

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**Physical or Environmental Conditions.** Describe whether the non-conforming variance request will have an adverse physical or environmental impact on the surrounding area.

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**Not Self-created.** Describe evidence that this variance request is not self-created. Show what contributing factors prevent you from doing what is permitted in the Village Code.

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### 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