

\$40.00

Area Variance Application

Village of Weedsport
8892 South Street, PO Box 190
Weedsport, NY 13166
(315) 834-6634

OFFICE USE ONLY

Date of Code Enforcement Officer's Decision: _____
Denial was made because of a violation or conflict with the
Zoning Ordinance Section(s): _____

Application No. AV- _____
Date Received: _____
Fee Paid: \$ _____
Date of Public Hearing: _____
Date of Final Action: _____
☐ Approved ☐ Denied
Date of Filing of Decision with the Clerk: _____

Appeal Concerns Property at the Following Address: _____

Tax Parcel I.D. No.: _____ Acres: _____ Zoning District: _____

Date Applicant Acquired Property: _____

(If property is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf)

The applicant's appeal from a decision of the Code Enforcement Officer, or on direct appeal from the Planning Board as permitted by State Law, concerns the following:

- ☐ Denial of an Application for a Building Permit (Attach to Application)
☐ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: _____

State the type and size of an area variance you are requesting (e.g. 3 foot side setback variance):

State the reason(s) you are applying for the area variance: _____

Applicant Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____ Phone: _____

I, the undersigned, am the legal owner or legal representative of the owner of the real property that is the subject of this area variance request. I understand that the Zoning Board of Appeals must weigh this area variance request against the five factors established in and required by NYS Village Law §7-712-b; and provided on the back of this application. I have provided information for the Zoning Board of Appeals for each of these factors as it relates to this area variance request; and I attest that the information provided on this application is true and accurate to the best of my knowledge. I also hereby acknowledge that the Village has the right to place a sign in the right-of-way along this property in order to advertise a public hearing for the area variance I have requested; and I will not interfere with or remove said signage.

APPLICANT SIGNATURE

_____/_____/_____
DATE

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then New York State Village Law §7-712-b requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. The also law requires the Zoning Board of Appeals (ZBA) to take the following factors into consideration in making its determination:

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 area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a 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 or district; and
5. whether an alleged difficulty is self-created.

The ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

State law requires the ZBA to grant the *minimum variance necessary* to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

Please provide information below for each of the factors listed above related to the area variance request described on the front of this application. This information will be considered by the Zoning Board of Appeals when considering the variance request. Attach additional sheets as necessary.

1. _____

2. _____

3. _____

4. _____

5. _____

