

Application Number _____

Tax Parcel Number _____

Date Received _____

\$75 Fee _____

Village of Hammondsport

PO Box 425, Hammondsport, New York 14840

Village Clerk (607) 569-3700



Area Variance Application

Applicant
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Property Owner
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Location of Property: _____

Applicable Code(s): _____

Instructions:

- ◆ Complete all sections of this application and submit it to the Village Clerk.
- ◆ Include a detailed property map showing dimensions of existing and proposed structures, as well as setbacks of existing and proposed structures to structures, boundaries, septic system and water supply. (Sample map provided)
- ◆ This application constitutes an appeal from a decision of the Zoning Enforcement Officer denying a Zoning Permit. A copy of this decision must be attached.
- ◆ Complete the Short Environmental Assessment Review form. (Front page only)
- ◆ Include any additional attachments that you feel will adequately support your appeal, such as photographs, building plans, surveys, and tax maps.
- ◆ Include an application fee in the amount of \$75.00, payable to the Village Clerk. The fee is nonrefundable in the event that your variance is denied.
- ◆ All applications and submissions must be received by the Village Clerk at least 20 days prior to the scheduled date of the Public Hearing.
- ◆ Upon receipt of a completed application the Village Clerk will post a legal notice advertising the Public Hearing for your appeal and notify you of the time and date of the Public Hearing. You, or a duly authorized representative, must attend the Public Hearing.
- ◆ Upon the close of the Public Hearing the ZBA may be able to render a decision at that time.
- ◆ If the ZBA requires additional time, the decision must be reached within 62 calendar days. You will receive a written copy of this decision.
- ◆ Any variance granted which is not exercised within one year from the date of issuance must be declared to be revoked without further hearing by the Board of Appeals.

An *Area Variance* is the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional requirements of the applicable zoning regulations. New York State statutes now specifically set forth the rules for the granting of Area Variances. It is *only* the Zoning Board of Appeals that has the power to provide for such exceptions from Zoning requirements, and then *only* when the applicant can show that the legal requirements for a variance have been met can the Board of Appeals issue one. The appealing party may believe that an exception (variance) to the zoning laws should be made for his or her property. The applicant should present clear, definite facts showing that the standards have been met. The ZBA cannot grant relief where proper legal proof is not adequately presented.

Applicant Narrative: Please provide an overview of your project. Use addition pages where necessary.

State law 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. Please respond:

State law requires the ZBA to take the following factors into consideration in making its determination: Please respond to the following:

Will 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? Will your project result in any adverse affect on the character or quality of the neighborhood? If not, please justify your conclusions.

Can the benefit sought by the applicant be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? Can your project be modified in a way to avoid the need for relief? If not, please explain why.

Is the requested area variance substantial? Are you asking for a large deviation from the applicable codes?

Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Is the alleged hardship or difficulty self-created? What conditions on this property are unique to the property in question, and are not present in a substantial portion of the district or neighborhood? Explain why you “need” relief from the code versus “want” relief from the code.

Signature and Verification

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: _____ **Date:** _____

I, the record owner do hereby authorize _____ to represent me before the Zoning Board of Appeals during the area variance process:

Signature of Applicant: _____ **Date:** _____