

3/09

TOWN OF VICTOR

APPLICATION TO THE ZONING BOARD OF APPEALS

**Area Variance Application:**

Appeal No. \_\_\_\_\_

The following information must be submitted:

1. Twelve (12) copies of plans, and One (1) 11 x 17 showing location of existing or proposed building and the proposed lot; and,
2. Letter of Intent or Lease Agreement or Purchase Offer when the applicant is not the owner of the lot; and,
3. Environmental Assessment Form (EAF) must be completed and submitted when applying for an Area Variance; and,
4. Applicant or his agent must be present at the Public Hearing.

To the **ZONING BOARD OF APPEALS,**

I (we) \_\_\_\_\_ of (street address) \_\_\_\_\_  
\_\_\_\_\_

Municipality \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Cell \_\_\_\_\_

do hereby:

1. Make application for an area variance to the Zoning Code for the following reasons:

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Appeal to the Zoning Board of Appeals from the decision of the Code Enforcement Officer on application for Building Permit No. \_\_\_\_\_ dated \_\_\_\_\_ whereby the Code Enforcement Officer did:

- grant
- grant with restrictions
- deny
- a use permit
- building permit
- a Certificate of Occupancy
- a Certificate of Compliance

2. Location of the Property \_\_\_\_\_  
(Street Address) (Use district on Zoning Map)
3. Provision(s) of the Zoning Code appeals. (Indicate the Article, section and paragraph of the Zoning Code being appealed, by number. DO NOT QUOTE THE CODE.)

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An area variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

PLEASE ADDRESS ITEMS 1 THROUGH 5 IN LETTER FORM AND SUBMIT IT WITH YOUR APPLICATION TO THE SECRETARY OF THE ZONING BOARD OF APPEALS;

In making its determination, the Zoning Board of Appeals shall take into consideration 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 grant. The new Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Board of Appeals must consider the following five factors:

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, 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 or 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 necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

Imposition of conditions: The Board of Appeals shall, in the granting of area variances, have 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.

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(Signature of Applicant)

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_

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(Notary Public)

AFFIDAVIT

The following is a list of ALL property owners and addresses of people living or owning property within 500 feet as related to my application and appeal.

NAME

ADDRESS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_

I HEREBY AUTHORIZE THE SECRETARY TO THE ZONING BOARD OF APPEALS TO COMPLETE THE ABOVE LIST.

\_\_\_\_\_

(Signature of Applicant)

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_

\_\_\_\_\_

(Notary Public)