

NOTE:

This form can be filled out on-line and signed electronically. The completed form should be e-mailed to Charlie Johnson at charlievhf@frontiernet.net.

Alternatively, the form can be printed and mailed to:

Charlie Johnson
Village of Honeoye Falls
5 East St.
Honeoye Falls, NY 14472

If you have any questions, please phone Charlie Johnson at 624-6150.

VILLAGE OF HONEOYE FALLS

5 East Street, Honeoye Falls, New York 14472

Tel: 624-1711 Fax: 624-2588

APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE, USE VARIANCE, SPECIAL EXCEPTION USE, VARIANCE EXTENSION AND/OR INTERPRETATION

OFFICE USE ONLY

Date of Application: _____

(Postmarked or Hand Delivered)

Date of Public Hearing: _____

Date of Final Action: _____

SECTION I: APPLICANT INFORMATION (to be filled in by applicant)

APPLICANT(S)*	OWNER(S) (if not applicant)	ATTORNEY/AGENT
NAME: _____	_____	_____
ADDRESS: _____	_____	_____
_____	_____	_____
_____	_____	_____
TEL./FAX: _____ / _____	_____ / _____	_____ / _____
E-MAIL: _____	_____	_____

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.
Applicant's interest in the premises: Owner Lessee Under option to lease or purchase

SECTION II: PROPERTY INFORMATION (to be filled in by applicant)

- Property Address (No. & St.) _____
- Tax Parcel No.: _____
- Current Zoning District: _____
- Has a previous ZBA application/appeal been filed for this property? Yes When: _____ For what: _____
 No
- Is property located within (check all that apply)? Historic District
 Environmental Protection Overlay District (EPOD)
- Is there a written violation for this parcel that is not the subject of this application? Yes No
- Detailed description of project (include current and proposed use) _____

- Has the work, use or occupancy to which this appeal relates already begun? Yes No
- Identify the type of appeal you are requesting (check all that apply):
 AREA VARIANCE (SEC III) - \$75.00 VARIANCE EXTENSION (SEC VI) - \$50.00
 USE VARIANCE (SEC IV) - \$100.00 INTERPRETATION (SEC. VII) - \$75.00
 SPECIAL EXCEPTION USES (SEC V) - \$150.00

Address: _____

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING *(add additional information as necessary):*

The applicant requests relief from the following Zoning Ordinance article(s): _____

Requirement for which Variance is requested: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. **CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY OTHER FEASIBLE MEANS?** Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

2. **WILL GRANTING OF THE VARIANCE PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES?** Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons: _____

3. **IS THE REQUESTED VARIANCE SUBSTANTIAL?** The requested variance is not substantial for the following reasons:

4. **WILL THE VARIANCE HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT?** The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons: _____

5. **WAS THE ALLEGED DIFFICULTY SELF-CREATED** *(this does not necessarily preclude granting of an area variance)?* Explain whether the alleged difficulty was or was not self-created: _____

SECTION IV: USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s): _____

A use variance is requested to permit the following : _____

For the ZBA to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following “tests”.

1. **THE APPLICANT CANNOT REALIZE A REASONABLE FINANCIAL RETURN ON INITIAL INVESTMENT FOR ANY CURRENTLY PERMITTED USE ON THE PROPERTY.** “Dollars & cents” proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons: _____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: \$ _____

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ _____ 4) Annual taxes: \$ _____

5) Annual income generated from property: \$ _____

6) Assessed value: \$ _____ 7) Appraised Value: \$ _____

8) Appraiser: _____ 9) Date: _____

Appraisal Assumptions: _____

B. Has the property been listed for sale with Yes If “yes”, for how long? _____
the Multiple Listing Service (MLS) No

1) Original listing date: _____ Original listing price: \$ _____
If listing was reduce, describe when and to what extent: _____

2) Has the property been advertised in the newspapers or other publications? Yes No
If “yes”, describe frequency and name of publications: _____

3) Has the property had a “For Sale” sign posted on it? Yes No
If “yes”, list dates when sign was posted: _____

4) How many times has the property been shown and with what results? _____

2. **THE FINANCIAL HARDSHIP RELATING TO THIS PROPERTY IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE NEIGHBORHOOD.** (This hardship may not apply to a substantial portion of the zoning district or neighborhood). This previously identified financial hardship is unique for the following reasons:

ILLUSTRATIONS OF UNIQUENESS

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area

3. **THE VARIANCE, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.** Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

ILLUSTRATIVE NEIGHBORHOOD CHARACTERISTIC FACTORS

- Board members' observations of neighborhood.
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

4. **THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.** An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

SELF-CREATED

- What were the permitted uses at the time the property was purchased by the applicant?
- Were substantial sums spent on remodeling for a use not permitted by zoning?
- Was the property received through inheritance, court order, divorce?

SECTION V: SPECIAL EXCEPTION USES – PLEASE ANSWER THE FOLLOWING *(add additional information as necessary)*

A Special Exception Use is requested to permit the following: _____

For the ZBA to grant a special exception use, an applicant must prove that the special exception use will be in harmony with and promote the general purposes and intent of the Village Code as stated in chapter §190-2. If a Special Exception Use is granted, the applicant must get site plan approval before a building permit can be issued.

The applicant must prove the following:

1. The plot area is sufficient, appropriate and adequate for the use and reasonably anticipated operation and expansion thereof: _____

2. The proposed use will not prevent the orderly and reasonable use of adjacent properties and/or districts and all required buffer yards screening shall be provided as if it were an allowable use: _____

3. The site is suitable for the location of such use in the community and the characteristics of the proposed use are not such that its proposed location is unsuitably near to a church, school, recreational theater or other place of public assembly: _____

4. The requested special exception use will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons: _____

SECTION VIII: DISCLOSURE AND APPLICANT CERTIFICATION

DISCLOSURE

Does any Village officer, employee, or family member thereof have a financial interest in this application?

Yes No

If "yes", the name, address and nature and extent of this interest must be detailed below:

Name: _____

Address: _____

Nature/Extent of Interest: _____

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

(applicant signature)

(applicant signature)

(applicant signature)

Sworn to before me this date:

Date: _____

Notary Public