

NOTE:

This form can be filled out on-line and signed electronically. The completed form should be e-mailed to David Ford at [ceo@villageofhoneoyefalls.org](mailto:ceo@villageofhoneoyefalls.org).

Alternatively, the form can be printed and mailed to:

David Ford  
Village of Honeoye Falls  
5 East St.  
Honeoye Falls, NY 14472

If you have any questions, please phone David Ford at 624-6150 (office) or 303-4901 (cell).



**OFFICE USE ONLY**

Date of Application: \_\_\_\_\_

Variance Type: \_\_\_\_\_

Fee Amount: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Final Action: \_\_\_\_\_

Date of Final Action: \_\_\_\_\_

**APPEAL TO THE ZONING BOARD FOR A USE VARIANCE**

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

	APPLICANT(S)*	OWNERS(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

Address: \_\_\_\_\_

**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 reduced, 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?  
\_\_\_\_\_

Address: \_\_\_\_\_

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 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)



## 617.20 Appendix B Short Environmental Assessment Form

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<b>NO</b>	<b>YES</b>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>	<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned _____ or controlled by the applicant or project sponsor? _____ acres				

<p>4. Check all land uses that occur on, adjoining and near the proposed action.</p> <p> <input type="checkbox"/> Urban    <input type="checkbox"/> Rural (non-agriculture)    <input type="checkbox"/> Industrial    <input type="checkbox"/> Commercial    <input type="checkbox"/> Residential (suburban) </p> <p> <input type="checkbox"/> Forest    <input type="checkbox"/> Agriculture    <input type="checkbox"/> Aquatic    <input type="checkbox"/> Other (specify): _____ </p> <p><input type="checkbox"/> Parkland</p>
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5. Is the proposed action,	<b>NO</b>	<b>YES</b>	<b>N/A</b>
a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<b>NO</b>	<b>YES</b>	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<b>NO</b>	<b>YES</b>	
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<b>NO</b>	<b>YES</b>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	





5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

9	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
9	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">Name of Lead Agency</div> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">Date</div> </div> <div style="display: flex; justify-content: flex-end; margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 150px; text-align: center;">Print</div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">or Type Name of Responsible Officer in Lead Agency</div> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">Title of Responsible Officer</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">Signature of Responsible Officer in Lead Agency</div> <div style="width: 45%; border-bottom: 1px solid black; text-align: center;">Signature of Preparer (if different from Responsible Officer)</div> </div>	