

Village of Hammondsport

PO Box 425, Hammondsport, New York 14840 Village Clerk (607) 5693700

USE Variance Application

Applicant

Property Owner (If different)

Name _____ Name _____

Street _____ Street _____

City _____ City _____

State/Zip _____ State/Zip _____

Telephone _____ 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.

A **Use Variance** is the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the principal or accessory use requirements of the applicable zoning regulations. New York State statutes now specifically set forth the rules for the granting of Use 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.

No such use variance shall be granted by a Board of Appeals without showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to provide such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located.

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

(A) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

(B) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood. 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?

(C) The requested use variance, if granted, will not alter the essential character of the neighborhood.

(D) The alleged hardship has not been self-created. Explain why you “need” relief from the code versus “want” relief from the code.

The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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 Property Owner: _____ Date: _____

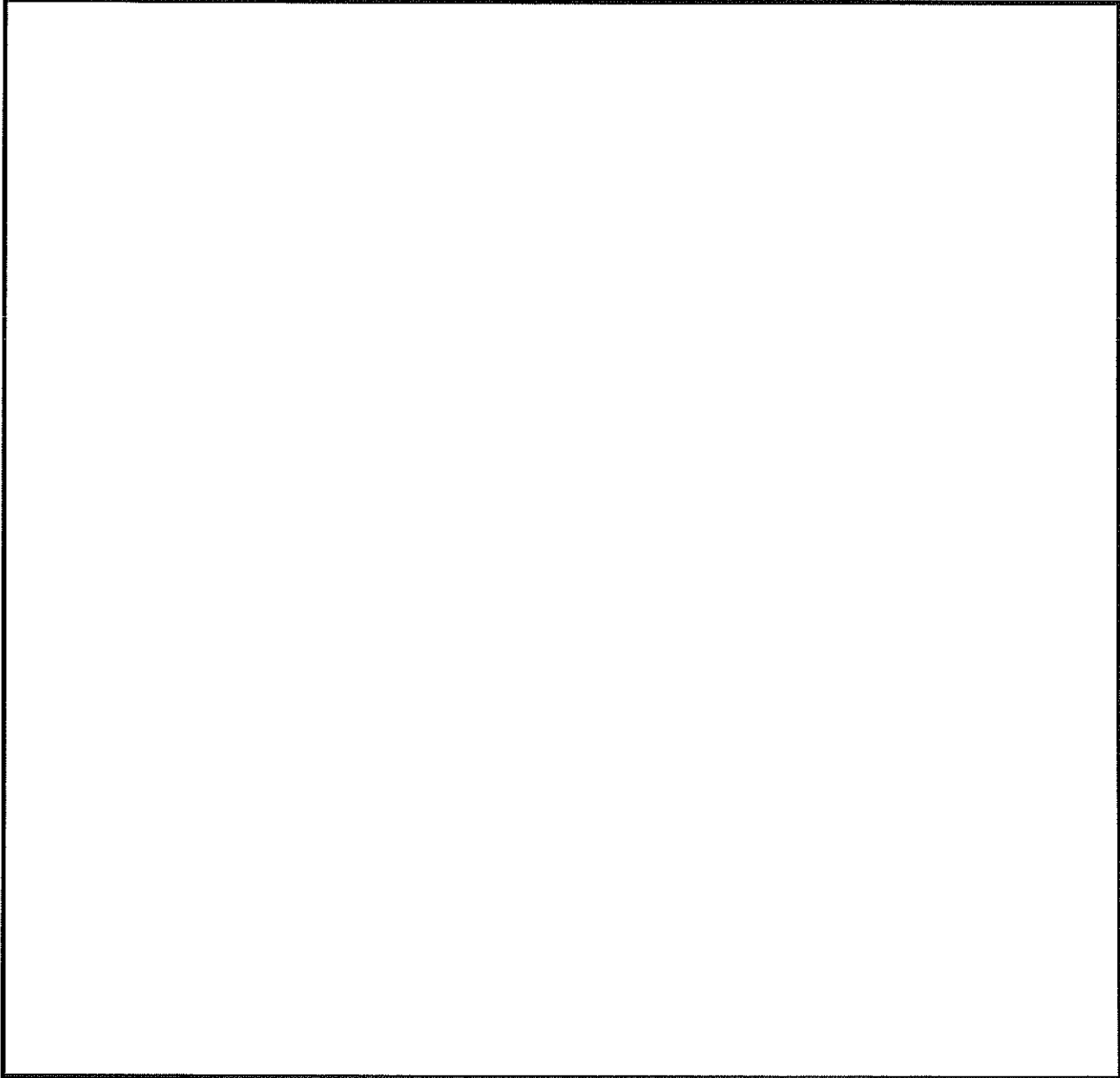
PLOT DIAGRAM

IN THE AREA PROVIDED BELOW OR ON A SEPARATE PAPER:

1. Locate all **buildings**, existing and proposed
2. Indicate all setback **dimensions** and boundary distances
3. Show and label any **roads, driveways** or **easements**
4. Show names of **contiguous** property owners
5. Show any **waterbodies, creeks** or **shorelines**
6. Locate any **wells** or **septic systems**
7. Indicate with an arrow the direction of **NORTH**

If architect/engineer's plans **DO NOT** accompany this application detailed sketches of proposed construction must be provided on additional paper.

NOTE: PLEASE MODIFY SHAPE OF PROPERTY AS NECESSARY.



Sample Plot Map

Note: A copy of a tax map or survey is often used as a base for a sketch map.
 Identify all existing and proposed structures and alterations.
 Show all dimensions of each feature. Missing information will result in delays.

