

**TOWN OF CALEDONIA  
ZONING BOARD OF APPEALS**

Town Hall \* 3109 Main Street \* Caledonia New York 14423

Tel. (585) 538-4927 \* Fax (585) 538-6348

**TOWN CODE on-line at [www.townofcaledoniany.org](http://www.townofcaledoniany.org)**

**TO:** All Prospective Zoning Board of Appeals Applicants

**FROM:** Zoning Board of Appeals

**SUBJECT:** Application Packages

**The following information MUST BE submitted with your application.**

1. Survey Map - Seven (7) copies showing the location of existing, or proposed building, or sign, or deck or pool or ect.
2. Short Environmental Assessment Form or long form depending on the project- must be completed and submitted.  
[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf)
3. Environmental review is not necessary for interpretations of the zoning regulations or for area variances relating to setbacks and lot lines, or for area variances relating to one-, two-, or three-family residences.
4. Photos – Labeled photos of property.
5. Floor Plans for Area Variance – Seven (7) copies if variance is related to a new addition to the property. All rooms labeled with use and dimensions.
6. Elevations (drawings of exterior walls) for all new construction – Seven (7) copies. Drawings must be labeled with dimensions, including the height of structure and labeled with the use. Decks must include measurement from ground to floor of deck and overall height of deck including railings.
7. Current letter from Code Enforcement Officer stating reason for denial of permit.
8. All parts of the application form.

**Failure to complete the application may result in the application being returned and a delay in scheduling of the Public Hearing.**

Your cooperation is greatly appreciated.

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**ZONING BOARD OF APPEALS APPLICATION PROCEDURES**

**Variance applications involve public hearings with the Zoning Board of Appeals. The Zoning Board will not consider a variance application complete on the applicant's part until all required submittals have been received and also have been through a preliminary review by the Zoning Board Clerk. A copy of the Building Inspector's decision or letter of denial must be attached to the application.**

Applications are checked for completeness and a determination will be made whether other boards or agencies will be involved.

Once an application has been determined complete, the Zoning Board of Appeals Clerk is now ready to schedule for a public hearing with the Zoning Board of Appeals. The Public Notice is published in the local legal newspaper for two weeks prior to the hearing date. A copy of the Public Notice is mailed to the applicant and representative as notification of the upcoming hearing date.

The Zoning Board Clerk will mail Public Notices via certified mail to property owners within five hundred feet to the applicant's property subject to a public hearing. Notices are also mailed to any municipality that has a boundary within five hundred feet, and also to the local Department of Transportation if the property located on a State Highway.

The application file is available for inspection at the Town Hall during regular office hours.

The applicant **MUST ATTEND** the public hearing to explain the case request to the Zoning Board of Appeals. Depending upon the situation, the variance decision may not be adopted until a later meeting if the Board needs more time to review the application. A letter noting the decision of the Zoning Board of Appeals will be mailed to the applicant.

It is the applicant's responsibility to reimburse the Town of Caledonia for legal notice fees for publication, any engineering and legal fees that may be involved, and also for mailing fees for notification of surrounding property owners. Publication and mailing fees will be collected at the time the Application for a Variance is submitted. Decisions will not become effective, and a building permit will not be issued, until the reimbursement of all applicable fees have been paid.

Depending upon the type and complexity of the application, any necessary reviews, and the Zoning Board of Appeals schedule, the entire variance application process from the submission of the application to the decision may take up to two months.

Please sign that you have read and understand the above information and return this with your completed application.

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Date

**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 for a variance.

<u>NAME</u>	<u>ADDRESS</u>
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____
9.	_____
10.	_____
11.	_____
12.	_____
13.	_____
14.	_____
15.	_____

I hereby certify that this is a true and accurate list for notification.

\_\_\_\_\_  
Signature of Applicant

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**APPLICATION FOR VARIANCE**

**TYPE OF VARIANCE REQUESTED:**

Area Variance \_\_\_\_\_

Use Variance \_\_\_\_\_

**TAX PARCEL NUMBER:** \_\_\_\_\_ **ZONING DISTRICT:** \_\_\_\_\_

**APPLICANT'S NAME:** \_\_\_\_\_

- If the Applicant is not the Owner of the property, an Authorization Form must accompany this application.

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

Daytime Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_

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

Daytime Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**PROPERTY OWNER'S NAME:** \_\_\_\_\_

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

Property Acquisition Date: \_\_\_\_\_

**Please be prepared to show the Zoning Board how you meet the standards for the type of variance that you are requesting.**

**Has this property been a subject of past Town Board, Planning Board or Zoning Board of Appeals applications and/or approvals?**       Yes  No

(If yes, please describe)

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**AREA VARIANCE** - 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.

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 health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, ect.) and why they are not feasible.

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2. Whether the granting the variance will 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:

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3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

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4. Show whether the variance will have 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:

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5. Show that the alleged difficulty was not **SELF-CREATED**, (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

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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 Zoning Board of Appeals shall, in the granting of 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.

**I/WE HEREBY CONSENT TO ALLOW MEMBERS OF THE ZONING BOARD OF APPEALS THE RIGHT TO ACCESS TO MY/OUR PROPERTY FOR THE PURPOSE OF VIEWING AND INSPECTING THE PROPOSED VARIANCE, WHICH IS A SUBJECT MATTER OF THE PROCEEDING HEREIN BEFORE THE ZONING BOARD OF APPEALS.**

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(Date)

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(Signature of Applicant)

**USE VARIANCE** – The authorization by the Zoning Board of Appeals for the use of land for a purpose that is not allowed or is prohibited by the applicable zoning regulations. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. To prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

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

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2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

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

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4. The alleged hardship has not been **SELF-CREATED**.

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The Board of Appeals, in the granting of use 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 Zoning Board of Appeals shall, in the granting of 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.

**I/WE HEREBY CONSENT TO ALLOW MEMBERS OF THE ZONING BOARD OF APPEALS THE RIGHT TO ACCESS TO MY/OUR PROPERTY FOR THE PURPOSE OF VIEWING AND INSPECTING THE PROPOSED VARIANCE, WHICH IS A SUBJECT MATTER OF THE PROCEEDING HEREIN BEFORE THE ZONING BOARD OF APPEALS.**

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(Date)

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(Signature of Applicant)

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**AUTHORIZATION FORM**

To the Town of Caledonia ( ) Zoning Board of Appeals;  
I, \_\_\_\_\_ give permission to \_\_\_\_\_  
*Property Owner Applicant*

For representing me for my application before the Town of Caledonia Zoning Board of Appeals, as indicated above, in applying for (a)

- ( ) Use Variance
- ( ) Area Variance

For the property located at: \_\_\_\_\_  
*Property Address*

Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_