

TOWN OF CALEDONIA
ZONING BOARD OF APPEALS

(p) 585-538-4927 | (f) 585-538-6348

sgraham@caledonianyny.gov

www.caledonianyny.gov

TO: All Prospective Zoning Board of Appeals Applicants

FROM: Zoning Board of Appeals

SUBJECT: Application Package

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 etc...
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
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 the property.
5. **Floor Plans for Area Variance** – Seven (7) copies if the variance is related to a new addition to the property. All rooms must be clearly labeled with use and dimensions.
6. **Elevations (drawings of exterior walls) for all new construction** – Seven (7) copies must be submitted. Drawings must be labeled with dimensions, including the height of structure and labeled with the intended 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 the reason for the denial of permit.
8. **All parts of the application form** must be turned in. ***Failure to complete the application may result in the application being returned and a delay in scheduling the Public Hearing.***

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ZONING BOARD OF APPEALS APPLICATION PROCEDURES

APPLICATION COMPLETION: 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.

SCHEDULING PUBLIC HEARING: Once an application has been determined complete, the Zoning Board of Appeals Clerk is now ready to schedule 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.

CERTIFIED MAILINGS: The Zoning Board Clerk will mail Public Notices via certified mail to property owners within five hundred feet of 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 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.

ATTENDANCE AT HEARING: 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.

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

Signature of Applicant

Date

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. *(If additional space is required, please copy this page and insert it with your application.)*

	<u>NAME</u>	<u>ADDRESS</u>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		

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

Signature of Applicant

Date

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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 #: _____

Fax Number: _____

Contact Person:

Address: _____

Daytime Phone #: _____

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.

Fill out ONLY if applying for Area Variance

CRITERIA FOR AREA VARIANCE

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. **ALTERNATIVES:** 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, etc..) and why they are not feasible.

2. **DETRIMENT:** Whether 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:

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

4. **ENVIRONMENTAL:** 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:

5. **SELF-CREATED:** 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:

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 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.

Signature of Applicant

Date

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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.

Fill out ONLY if applying for Use Variance

CRITERIA FOR USE VARIANCE

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.

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.

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

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

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 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.

Signature of Applicant

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NOTE: It is the responsibility of the Applicant to notify the Building Inspector, for the purpose of inspection, at each stage of work. Please check with the Building Department for specific instructions concerning your project. The Building Department's phone number is 585-538-9320.

AUTHORIZATION FORM

To the Town of Caledonia Planning Board:

I, _____ give permission to _____
(printed name of property owner) (printed name of 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