

INSTRUCTIONST FOR AREA VARIANCE

The Town of Geddes Zoning Board of Appeals (ZBA) meets the second Wednesday of each month at 7:00 o'clock p.m. at the Geddes Town Hall, 1000 Woods Rd., Solvay, NY. All applications and exhibits are to be completed and returned to the Code Enforcement Office no later than **Three (3) weeks** prior to the Board meeting date.

Ten (10) copies – completed application and exhibits are required.

Application Fee - \$ 75.00

Legal & Engineering Deposit Fee - \$ 250.00

(2 separate checks)

Language Ch. 95 – The Comptroller may cause the applicant to deposit additional sums as the Comptroller deems reasonable.

The Area Variance application needs the approval of the Town Board, in order for the application to be processed.

All applications must be complete in context before the ZBA will schedule a hearing.

All applicants or their authorized agents must appear at the scheduled public hearings. Failure to do so may result in delays or denials.

SUBMIT THE COMPLETED APPLICATION ALONG WITH THE FOLLOWING EXHIBITS:

- A SITE PLAN OR SURVEY OF THE PROPERTY SHOWING ALL EXISTING AND PROPOSED STRUCTURES ON WHICH THE AREA VARIANCE IS REQUESTED. THE PLAN MUST DEPICT THE EXACT STRUCTURE AND THE EXACT DIMENSION INVOLVING THIS REQUEST.
- A LETTER OF INTENT INDICATING THE EXACT USE AND DIMENSIONS OF THIS VARIANCE. INCLUDE ANY EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLYING TO THE PROPERTY INVOLVED.
- A LETTER FROM OWNER OF THE PROPERTY (IF NOT THE APPLICANT) APPROVING OF THIS APPLICATION
- APPLICANT IS ENCOURAGED TO SEEK LETTERS FROM NEIGHBORING PARCEL OWNERS WHO ARE IN FAVOR OF THE BOARD GRANTING THE VARIANCE.HOWEVER, LETTERS WILL NOT DETERMINE OUT COME.
- APPLICANT IS ASKED TO INSTALL VISIBLE STAKES AT THE LOCATION OF THE PROPOSED STRUCTURE, APPROXIMATELY 2 WEEKS BEFORE THE PUBLIC HEARING.
- AN ENVIRONMENTAL (SEQRA) FORM (**FRONT SIDE ONLY**)
- APPLICANT WILL BE ASKED TO ADDRESS THE “STANDARDS OF PROOF”.

The Zoning Board of Appeals may, at its own discretion, send the application to the Town of Geddes Planning Board, or the City/County Planning Agency or any other concerned agency for their review and recommendation.

APPLICATION FOR AREA VARIANCE REQUEST

Appeal Number _____ Date Received _____

Applicant Name _____

Address _____ Phone _____

City _____ State _____ Zip _____

Project Location _____

City _____ State _____ Zip _____

Zoning District of Parcel _____

Name of Property Owner _____

Address _____ Phone _____

City _____ State _____ Zip _____

This applicant requests a variance to

Chapter _____ Section _____ Paragraph(s) _____

of the Town of Geddes Zoning Ordinance.

Project Description

Justification of Request

Has there been a previous appeal. Yes _____ No _____

Are there any deed restrictions that do not allow the area variance that you are requesting?

Yes _____ No _____

Applicants Signature _____ Date _____

Area Variances

- [1] The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of these regulations , to grant area variances as defined herein.
- [2] 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 of the health , safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

STANDARDS OF PROOF

- [a] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- [b] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- [c] Whether the requested area variance is substantial.
- [d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- [e] Whether the alleged difficulty was self – created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.