

TOWN OF ALMOND

Municipal Building
P.O. Box K
Almond, New York 14804-0511
607-276-6665

Application to the Zoning Board of Appeals Request for an *AREA VARIANCE*

"Area variance" shall mean 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.

I. Date of this application _____

II. Information about the Property

Address (including fire number) _____

Location (in relation to some landmark) _____

Tax map number _____

Size (in acres or square feet) _____

Present zoning _____

III. Information about the Owner

Name(s)..... _____

Mailing address _____

Telephone number(s) _____

Email _____

IV. Information about the Applicant (if different from the owner)

Name

Mailing address

Telephone number(s)

Email

Interest in Property (Agent, Purchaser, etc) ...

Attach a letter of authorization signed by the owner.

V. Decision being appealed

Attach a copy of the form or letter you received showing this decision

VI. Requested action by the Zoning Board of Appeals

State law requires that 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. The ZBA may impose reasonable conditions on granting any variances.

VII. Supporting information

When applying for an area variance the applicant is asking for permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations).

The applicant must show that the benefit the applicant stands to receive from the variance will outweigh any burden to the health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

1. **Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by granting of the area variance.**
2. **Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue, other than an area variance.**
3. **Whether the requested area variance is substantial.**

4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**
5. **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.**

Note: The ZBA need not find in favor of the applicant on every one of the above questions but must take every one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant, which would not require a variance.

VIII. Attachments

- a. **Address of the each of the five items in Part VII**
- b. **Site or plot plan drawn to scale (must include the following)**
 Name of Owner
 Address of Property
 Tax Map Number
 Size (acres or square feet)
 Dimensions
 Compass orientation
 Existing structures, driveways, etc. (solid or dark lines)
 Proposed structures, driveways, etc. (dotted or light lines)
 Area (square feet) of all structures
 Distance from all structures to lot lines
 Identification of adjoining property owners
 Adjacent or nearby streets, roads, streams etc.
- c. **Copy of the document which resulted in this application**
 This is usually a building permit that has been denied by the Code Enforcement Officer
- d. **List of abutting property owners**
 These property owners will have to be notified at least 7 days before the public hearing.
- e. **SEQRA Environmental Assessment Form** (Short Form or Full Form as applicable)
- f. **Letter of owner consenting to application** (if applicant is not the owner)
- g. **Other attachments deemed pertinent by the applicant**

IX. Signature and verification

Please be advised that no application can be deemed complete unless signed and dated.

I hereby certify that the information enclosed herewith and on the attachments is accurate and factual:

Signature(s) of Applicant(s): _____ **Date:** _____
 _____ **Date:** _____

X. Submission

Submit this application to the Almond Town Clerk.