

AREA VARIANCE APPLICATION

**TO THE
VILLAGE OF PENN YAN
ZONING BOARD OF APPEALS**

GENERAL INFORMATION

1.) Application Fee: \$50.00 Made payable to: *Village of Penn Yan*

Name: _____ Application No. _____

Date: _____

→ → REQUIRED PAPERWORK ← ←

ALL APPLICATIONS MUST INCLUDE A SURVEY OF PROPERTY (8½" X 11" IS OK)

******* FOR A COPY OF YOURS GO TO THE YATES COUNTY OFFICE BUILDING - RECORDS OFFICE) *******

**SURVEY MUST HAVE YOUR DRAWN-IN DETAILS THAT SHOW WHAT YOU REQUEST
SEE ATTACHED "SAMPLE"**

Sign Variance

- Submit a completed application – **(You will need to have it notarized, see page 5).**
- Attach a color depiction of the proposed sign, to scale with dimensions.
- Attach a plan showing the exact location and positioning of proposed signage.
- Survey sheet (as explained above)

Area Variance

- Submit a completed application – **(You will need to have it notarized, see page 5).**
- Attach the survey sheet (as explained above) with accurate measurements and locations of all proposed structures along with lot widths, lot area, and setback measurements.

YOUR VARIANCE WILL BE DENIED IF:

THREE most frequent reasons for denial:

First, practical difficulty was not shown, or even though it was shown, there is some means other than a variance available to the applicant to address the problem. These variances are denied because they are not considered to be necessary.

Second, even though practical difficulty was shown, a variance will be denied if the impact of the requested variance upon the neighborhood or surrounding properties would be too great. This board is required to take into account the good of the Village as a whole and not grant an individual relief if the common good would be impacted.

Finally, variances are generally denied if the practical difficulty shown was not unique. The board is required to determine whether the difficulty is unique to a given property or to circumstances peculiar to that property. State law prohibits the board from approving a variance if an applicant cannot establish their difficulty is unique. The rationale for this limitation is that the granting of variances to address difficulties which are common to a given region or type of use, amounts to actually changing the zoning law one variance at a time. The proper legal procedure in such a case is not a variance, but a request to change the law; a request this board cannot act upon. Regrettably the Zoning Board of Appeals sometimes finds an applicant to have a legitimate concern, but is nonetheless compelled to deny the requested variance because the described difficulty is not sufficiently unique.

APPEAL NO. _____

DATE _____

APPLICATION TO VILLAGE OF PENN YAN ZONING BOARD OF APPEALS

FOR: SIGN VARIANCE AREA VARIANCE

Permission for on-site inspection for those reviewing application: _____ Yes _____ No

I (we) _____, of _____
(Name of Applicant) (Mailing Address - Street)

_____, _____
(City) (State and zip code)

PHONE NUMBERS _____ (home) _____ (work) _____ (cell)

HEREBY APPEAL FOR A VARIANCE TO VILLAGE CODE AS A RESULT OF A DENIAL FOR ZONING COMPLIANCE RECEIVED FROM THE ZONING OFFICER, DATED; _____.

1. LOCATION OF THE PROPERTY _____
(Street and Number)

(Zoning District) ex.). Residential, Commercial, Industrial

(TAX MAP #) _____

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED (You will find this on the zoning compliance DENIAL paperwork you received from the Code Office. It is a series of numbers and letters that depict what Zoning Ordinance won't permit your request.) Section 202- _____

3. A PREVIOUS APPEAL () Has () Has not been made with respect to this property.

If yes - Such appeal(s) was (were) in the form of:

- () A requested interpretation of the code. Dated: _____
- () A requested special permit. Dated: _____
- () A requested use/area variance. Dated: _____
- () A temporary permit. Dated: _____

4. IS THE SUBJECT PROPERTY WITHIN 500 FEET OF ANY OF THE FOLLOWING?
Town Boundary? State or County Building? State or County Roadway? Public Park? Yes No

5. DESCRIBE YOUR REQUESTED VARIANCE

SIGN & AREA VARIANCE

THOROUGHLY DESCRIBE WHY YOU MUST HAVE A VARIANCE RATHER THAN COMPLY WITH YOUR VILLAGE CODE;

1.) Explain why you will not comply with what your village code allows instead of this *non-conforming* concept.

2.) Will your *non-conforming* request cause an undesirable change in the neighborhood character, or any detriment to nearby properties? If not, you must clearly explain your reasoning.

3.) Will your *non-conforming* option have an adverse environmental impact on the neighborhood? If not, persuasively explain why it won't.

4.) Describe what evidence you have this variance request is not a self-created need by showing what contributing factors prevent you from doing what is *permitted* in the Penn Yan code book.

X _____
(Signature of Applicant)

STATE OF NEW YORK) ss:
COUNTY OF _____)

Sworn to me this _____ day of _____, _____

(Notary Public Signature)