

**USE 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"**

Change of Use

- Submit a completed application – (Note: you will need to have it notarized, see page 5).
- Attach a current survey map of the subject parcel (as explained above).
- Complete the attached *Environmental Assessment Form* - PART I only.

# **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**

<b>FOR:</b>	<input type="checkbox"/> <b>USE VARIANCE</b>
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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 Address )

\_\_\_\_\_  
**(Zoning District)** - Residential/Commercial/ Industrial, etc.

\_\_\_\_\_  
**(TAX MAP #)**

**1. 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-** \_\_\_\_\_

**2. 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: \_\_\_\_\_

**2. 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

**3. DESCRIBE YOUR REQUESTED VARIANCE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CHANGE OF USE VARIANCE

**A USE VARIANCE CANNOT BE GRANTED IF YOU DO NOT SUCCESSFULLY DEMONSTRATE WHY CONFORMANCE TO YOUR VILLAGE CODE WILL CAUSE UNNECESSARY FINANCIAL HARDSHIP**

1.) Your financial returns will be substantially reduced without a variance.

Use numbers to show how you will suffer a substantial financial loss with this property without a use variance.

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2.) Your financial hardship is unique and does not apply to a substantial portion of the neighborhood.

Explain why this is true.

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3.) The requested use variance will not alter the essential character of the neighborhood.

Explain why this is true.

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4.) Show what contributing factors made it necessary to request this use variance that will prove your request is NOT a *self-created need*.

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X \_\_\_\_\_  
(Signature of Applicant)

STATE OF NEW YORK ) ss:  
COUNTY OF \_\_\_\_\_ )

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Notary Public Signature)