

# VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420  
Telephone: (585)-637-5300 Fax: (585)-637-1045  
Website: [www.brockportny.org](http://www.brockportny.org)

## ZONING BOARD OF APPEALS APPLICATION

**-Review submission requirements & meeting schedule for applicable deadline-**

Area Variance: \_\_\_\_\_ Use Variance: \_\_\_\_\_ Meeting Date: \_\_\_\_\_ at 7:00pm  
Interpretation: \_\_\_\_\_ Special Permit: \_\_\_\_\_ Application Fee: \$ \_\_\_\_\_  
Other: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
Plans Submitted: \_\_\_\_\_  
Environmental Assessment Form Submitted: \_\_\_\_\_

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

**PROPERTY ADDRESS:** \_\_\_\_\_

Tax Map Parcel #(s): \_\_\_\_\_ Parcel size: \_\_\_\_\_ width \_\_\_\_\_ depth

Property Zoning District: \_\_\_\_\_ Property Class: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_ Proposed Use of Property: \_\_\_\_\_

Provision of Code Appealed (give section and subsection numbers): \_\_\_\_\_

Previous applications for this property: \_\_\_\_\_ Planning Board \_\_\_\_\_ Zoning Board of Appeals  
If yes, provide results: \_\_\_\_\_

Description of Proposal / Detail of Request: \_\_\_\_\_

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

### Certification of Statements:

The **applicant(s)** hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are **title owner(s)** of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Applicant Name Printed/Typed

\_\_\_\_\_  
Owner Name Printed/Typed

\_\_\_\_\_  
Street City State Zip

\_\_\_\_\_  
Street City State Zip

\_\_\_\_\_  
Phone # E-mail

\_\_\_\_\_  
Phone # E-mail



## **AREA VARIANCE TEST**

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) 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;
- 2) whether the benefit sought by the applicant can be achieved by some method 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 condition in the neighborhood or district; and
- 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.

The ZBA, 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.

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## **USE VARIANCE TEST**

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- 2) that 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) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) that the alleged hardship has not been self-created.

The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.