

## ZONING BOARD OF APPEALS APPLICATIONS

### INSTRUCTIONS AND PROCEDURES

1. Regular meetings of the Board are held on the third Thursday of each month at 7:00 PM at the Town Hall meeting room, or such other time or place as the Chairman or Acting Chairman of the Board may from time to time determine.
2. Applications shall be filed in duplicate and the original shall be signed by the Appellant or his Agent. All pertinent questions on the application must be answered and all information required by the form to be given shall be concisely stated. Additional statements may be added, if required, on the back of the application or on separate sheets. **All paper work to be filled out in black or blue pen.**
3. The final date for filing applications shall be twenty (20) days before the date of a regular meeting, which date shall be kept posted in the office of the Board and the Building Inspector.
4. Applications shall be accompanied by: eight copies of a plot plan, eight sets of building plans, if a new building or addition or alteration to an existing building is involved, and the Filing Fee. Please make checks payable to the Town of Parma. One set of plans will be returned to the applicant at his request after the Board's decision.
5. Plot plans shall be drawn to scale, accurately showing lot dimensions, area, yard dimensions, location and size of all existing and proposed buildings on the property. Surveyor's maps are preferred and may be required in some cases.
6. The Appellant (Applicant) or an authorized agent must attend the meeting, present the facts of the case and be prepared to answer questions. It is extremely important that all the facts and details be presented clearly and correctly, with as much supporting evidence as possible.

Personal preferences, emotional issues and self created difficulties are not proper or sufficient grounds for granting a variance. The Board must base their decision on the facts found during the hearing and review of the case.

Some examples are as follows:

- a. If topographical conditions are claimed as a hardship, provide photographs and/or a topographic map with cross-sections showing existing and required grades.
  - b. If pre-existing conditions are involved, provide evidence in the form of survey maps, property records, eye witness testimony, etc. to support the claim.
  - c. If financial considerations are involved, present actual dollar figures such as cost of dirt for filling, cost of moving a structure, costs of upkeep and repair, etc. Your figures should be supported by documents such as estimate sheets, price quotations, or business records.
7. On the application for a rehearing, the appellant must allege new facts and provide proof of them at the hearing.
  8. **THE BOARD IN ITS DISCRETION MAY DISMISS AN APPEAL (WITHOUT PREJUDICE) FOR FAILURE TO COMPLY WITH ANY OF THE FOREGOING RULES.**

## **AREA VARIANCE**

An area variance seeks relief from some dimensional requirement imposed by the zoning ordinance.

The applicant must show proof that he has practical difficulty if kept in strict compliance with the zoning requirements.

The ZBA must consider the following in their deliberations:

- Will the requested variance be detrimental to nearby properties?
- Will an undesirable change occur in the character of the neighborhood?
- Are there any alternative (feasible) methods to achieve the benefit sought by applicant?
- Is the requested variance substantial?
- Will the variance cause adverse effects on the physical and/or environmental conditions in the neighborhood?
- Is the difficulty self-created? (Relevant, but does not necessarily preclude the variance).

Weigh the benefit to the applicant against the detriment to the health, safety and welfare of the community. All questions must be relatively negative to favor a variance.

## **USE VARIANCE**

An use variance allows property to be used for a type of land use which is prohibited on the particular parcel by the zoning ordinances.

The applicant must show that under existing zoning regulations, that the property suffers unnecessary hardship (usually in dollars). This does not mean financial profit; it means unreasonable financial investment to use the property.

The ZBA may consider the following in making their determinations:

- The property owner cannot realize a reasonable return from *any use permitted* in the particular district.
- The landowner has circumstances unique to his property.
- The use will not alter the essential character of the locality.
- Unnecessary hardship is not valid if it is created by the applicant.

## **SPECIAL PERMIT**

A special permit (also called conditional use or use-exemption) is a permit granted for a use allowed with restrictions by the zoning ordinance.

The ZBA may consider the following in granting a special permit:

- What are the environmental impacts? (How can these be mitigated?)
- What are the effects on the quality-of-life in the neighborhood? (How can these be mitigated?)
- Is the request a reasonable and moderate use of the property?

TOWN OF PARMA  
MONROE COUNTY, NEW YORK  
AGRICULTURAL DATA STATEMENT

This form shall be prepared and submitted with each application for a special use permit, site plan approval, use variance or subdivision approval, where development or activity proposed under such permit or approval would occur on property within an agricultural district (as designated or defined under Article 25-AA of the Agricultural and Markets Law) containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

A. PROJECT INFORMATION

1) STREET ADDRESS \_\_\_\_\_  
\_\_\_\_\_

2) TAX ACCOUNT NO. \_\_\_\_\_

3) PROPERTY DIMENSIONS \_\_\_\_\_ ACREAGE \_\_\_\_\_

4) TYPE OF DEVELOPMENT \_\_\_\_\_

B. APPLICANT INFORMATION

1) NAME: \_\_\_\_\_

2) ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

3) OWNER \_\_\_\_\_ AGENT \_\_\_\_\_ ENGINEER/SURVEYOR \_\_\_\_\_ OTHER \_\_\_\_\_

If applicant is not the owner, complete the following:

OWNER'S NAME \_\_\_\_\_ PHONE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

TOWN OF PARMA

APPLICATION FOR PUBLIC HEARING  
(See Instructions and Procedures Attached)

Fee: \$150.00

Date Received: \_\_\_\_\_

**Town Zoning Chapter 165, subsection 165-22 states that all variances shall be revoked unless a site plan or a building permit is obtained within 6 months of the date of approval by the Zoning Board of Appeals and construction commenced within one year of such date of approval.**

1. I (we) hereby apply to the Zoning Board of Appeals to grant:  
\_\_\_\_\_ an area variance          \_\_\_\_\_ a use variance          \_\_\_\_\_ a Special Permit  
\_\_\_\_\_ other (describe): \_\_\_\_\_  
\_\_\_\_\_

2. LOCATION: Lot No. \_\_\_\_\_ of the \_\_\_\_\_ Subdivision  
House No. \_\_\_\_\_ Road or Street \_\_\_\_\_  
Located on the \_\_\_\_\_ side of the road \_\_\_\_\_ feet from the intersection  
with \_\_\_\_\_ Road or Street  
Current Zoning: \_\_\_\_\_

3. OWNER: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

AGENT: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

If the applicant is not the owner or if there is an applicant/agent, please explain: \_\_\_\_\_  
\_\_\_\_\_

4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. DESCRIBE ANY UNDUE HARDSHIPS THAT WOULD BE CREATED BY STRICT APPLICATION OF THE CURRENT REGULATIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. DESCRIBE HOW GRANTING OF YOUR REQUEST WOULD NOT CHANGE THE APPEARANCE OR CHARACTER OF THE NEIGHBORHOOD: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
\_\_\_\_\_ DATE: \_\_\_\_\_

(Use back if additional space is needed)