

TOWN OF CLARKSON – Zoning Board of Appeals

FOR OFFICE USE ONLY:

Application # _____ Date Submitted _____ Fee Paid w/Application _____

ZONING BOARD OF APPEALS APPLICATION

Re: _____
Applicant(s) Name _____ Tel. No. _____ Email Address _____
Applicant(s) Address _____ City/Town/State _____ Zip Code _____
Project Name _____
Project Location _____

The applicant(s) hereby applies for:	<u>Fee:</u>	<u>Pages:</u>
() Special Permit for <u>customary home occupation</u>	\$150	1,2,3,4
() Special Permit for a <u>permanent sign</u>	\$150	1,2,3,5
() Request for the <u>replacement of a permanent sign</u>	-0-	1,2,3,5
() Request for an <u>Area Variance</u>	\$150	1,2,3,6
() Request for a <u>Use Variance</u>	\$350	1,2,3,7
() Request for an <u>Appeal Variance</u>	\$150	1,2,3,8
() Special Use Permit for <u>telecommunications tower</u>	\$150	1,2,3 **
Applicant must adhere to specifics per Section 140-16.1 of Clarkson Town Code.		

PLEASE NOTE: The criteria for the ZBA to consider an **Area Variance** or a **Use Variance** are very different, and it is recommended that you seek independent legal counsel in filling out the form. Town personnel cannot give you legal advice.

INSTRUCTIONS:

1. Type or clearly print all required information and include appropriate signatures.
2. Submit the original and seven (7) copies of this application w/all background data.
3. Due date – two (2) weeks prior to the next scheduled meeting date.
4. Meeting times are at 7:00 pm on the 1st and 3rd Wednesday of every month at Clarkson Town Hall, 3710 Lake Road, Clarkson, New York.
5. Any questions, contact: Support Boards Administrative Assistant
585-637-1145 tel / 585-637-1147 fax
buildingcoordinator@clarksonny.org

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

• **FOR ALL APPLICATIONS**

PROPERTY OWNER(S) _____

Mailing Address: _____

PROPERTY ADDRESS _____

Town of Clarkson, Monroe County, New York

TAX MAP PARCEL #(s) _____

PARCEL ACREAGE AND DIMENSIONS _____

CURRENT ZONING _____

PRESENT USE OF PROPERTY _____

Attention

Any fee or disbursements incurred on behalf of the Applicant(s) through professional services provided by the Town Engineer, Town Attorney, Zoning Consultant and/or Legal Publications, must be paid by the Applicant upon final approval by the Zoning Board of Appeals.

I have read and fully understand the above and agree to the contents.

Signature of Applicant

Dated

Signature of Applicant

Dated

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____

DATE: _____

DESIGN PROFESSIONALS:

The following design professionals or attorneys may be involved with this project. The lead professional should be indicated by an asterisk (*).

Company Name

Company Name

Address

Address

City State Zip

City State Zip

Profession

Profession

Contact Name

Contact Name

Telephone # Fax

Telephone # Fax

Email Address

Email Address

CERTIFICATION OF STATEMENTS:

The applicant(s) hereby states that **(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, and affirm(s) that the above information is accurate and complete, to the best of **(his/her)** knowledge and information.

Applicant Signature

Applicant Signature

Applicant Name Printed/Typed

Applicant Name Printed/Typed

Mailing Address

Mailing Address

City State Zip

City State Zip

Telephone # Fax

Telephone # Fax

Email Address

Email Address

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 above is/are authorized to make the application described herein.

Signature

Signature

Print Name

Print Name

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

- **For a Special Permit for CUSTOMARY HOME OCCUPATION - Fee \$150**

NOTE: Clarkson Town Code’s Definition per §140-3 (A & B) for a CHO is as follows is as follows:

A.

An occupation or a profession which meets all of the following requirements:

- (1) It is carried on wholly within the enclosed walls of a dwelling.
- (2) It is carried on by a member of the family residing in the dwelling.
- (3) It is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (4) It employs not more than one person outside the family.
- (5) It does not occupy more than 25% of the floor area.
- (6) It employs no exterior display, except a sign not to exceed two square feet, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the building.
- (7) It produces no offensive noise, vibration, smoke, dust, odor, heat or glare.

B.

Repair of gasoline or diesel engines or motors, which are not owned by one of the residents of the property for his own use, is expressly excluded.

1. PROPERTY OWNER(S) _____

2. PROPERTY ADDRESS _____

3. SQ. FT. OF HOUSE _____ **SQ. FT. NEEDED FOR CHO** _____

4. AREA OF HOUSE INTENDED TO BE USED FOR CHO _____

5. Describe your proposal for the CHO:

6. Describe the parking and egress at the property:

NOTE: Please provide maps, diagrams, drawings, photographs to this application.

NOTE: Building Permit fees do not apply to a Customary Home Occupation. A two (2) s.f. sign is allowed by code after a Special Permit for the CHO is granted.

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

_____ **Request for a PERMANENT SIGN - ZBA Application fee: \$150**

- This information will be provided to the Building Department for a building permit after the ZBA **Special Permit** is granted.
Building permit fee: \$2 per s.f. / min. fee: \$40 for a *sign >6 sq. ft. but < 40 sq. ft.*

_____ **Request for a REPLACEMENT SIGN – ZBA Application fee: -0-**

- When it can be established that an existing sign has been permitted, and a new sign is proposed in its place, the ZBA requests the applicant to complete a sign permit application (including location of sign on instrument survey or tape location map). If the ZBA determines that the new sign is virtually identical with respect to size, location, illumination, etc. ("apples to apples") then no new fee or public hearing would be required. If it is significantly different, then it would be treated as a new sign permit and the application fee and public hearing would be required.

- **ADDRESS FOR THE SIGN:** _____
OWNER OF THE PROPERTY: _____
OWNER’S ADDRESS: _____

1. **DESCRIPTION OF PREMISES** (provide a copy of the Instrument Survey Map showing the proposed location of sign.)

2. **DESCRIPTION & DIMENSION OF SIGN** (include a scale drawing & structure materials)

3. **NAME, ADDRESS & TELEPHONE NUMBER OF PERSON RESPONSIBLE FOR MAINTENANCE AND/OR REMOVAL OF THE SIGN**

Note: If it is your intent to place the sign within the right-of-way of a State highway, permission must be obtained from NYS. Please attach the letter granting permission.

Note: Building Permit fees do not apply to a Customary Home Occupation. A two (2) sq. ft. sign is allowed by code after the ZBA Special Permit for the CHO is granted.

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

- **Request for an AREA VARIANCE - Fee: \$150**

Definition of “Area Variance”: 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. [Clarkson Town Code §140-44(A)]

PROVISION OF CODE APPEALED - note Code Section/Subsection: _____

If you applied for a similar variance for this property in the past, please note the following:

DATE: _____ RESULT: _____

NOTE: According to N.Y.S. Town Law Section 267-b (3) (b) “In making its determination [for an area variance], the zoning board of appeals 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” the following ... address **each one** in detail:

1. What benefit will be derived by the applicant who is seeking this variance?

2. What changes will be produced in the neighborhood by the granting of this application?

3. What other methods does the applicant have to achieve the benefit other than the area variance?

4. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood?

5. How was the alleged difficulty created? Note: If the difficulty was self-created, it is relevant to the decision of the ZBA, but does not necessarily preclude the granting of an area variance.

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

• **Request for a USE VARIANCE - Fee: \$350**

Definition of "Use Variance": The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. [Clarkson Town Code §140-44(B)]

PROVISION OF CODE APPEALED - note Code Section/Subsection: _____

If you applied for a similar variance for this property in the past, please note the following:

DATE: _____ RESULT: _____

NOTE: According to N.Y.S. Town Law Section 267-b (2) (b) "No such [use] variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship." Address **each one** in detail:

1. For each and every use permitted under the Clarkson Zoning Code in the present zone, why can't the applicant realize a reasonable rate of return? Note that this must be demonstrated by competent financial evidence.

2. Why is the alleged hardship unique to the property in question; and why does the alleged hardship not apply to a substantial portion of the zoning district or neighborhood in which the property is located.

3. Why won't the variance, if granted, alter the essential character of the neighborhood?

4. Is the alleged hardship self-created? If no, please explain. If yes, the ZBA must deny the variance.

TOWN OF CLARKSON – Zoning Board of Appeals

NAME: _____ **DATE:** _____

• **Request for an APPEAL VARIANCE**
FROM DECISIONS OR INTERPRETATIONS - Fee: \$150

NOTE: Per Clarkson Town Code § 94-51 (A), “Where there are practical difficulties or unnecessary hardships, the Zoning Board of Appeals may hear and decide appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter. Such appeals shall be in accordance with the provisions of §267 of the Town Law of the State of New York.”

Further, per Clarkson Town Code §140-25(F)(2)(b), “Decisions of the Architectural Review Board may be appealed to the ZBA in the form of a variance. Variances by the Board of Appeals may be granted only upon findings of fact contrary to those of the Architectural Review Board.”

1. Please note the specific Code Section/Subsection appealed: § _____

2. Name of administrative official or board rendering the decision: _____

3. Please explain the background to the current situation:

4. Please explain your understanding of the decision or determination made by the administrative official or board:

5. Please explain why you are appealing the order, requirement, decision/interpretation, or determination:

