

Application Number _____
Date Received _____

Tax Parcel Number _____
Fee _____

Town of Campbell

8529 Main Street
Town Clerk (607) 527-8244



Area Variance Application

Applicant
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Property Owner
Name _____
Street _____
City _____
State/Zip _____
Telephone _____

Location of Property: _____

Applicable Code(s): _____

Instructions:

- Complete all sections of this application and submit it to the Town Clerk.
- Include a detailed property map showing dimensions of existing and proposed structures, as well as setbacks of existing and proposed structures to structures, boundaries, septic system and water supply. (Sample map provided)
- This application constitutes an appeal from a decision of the Zoning Enforcement Officer denying a Zoning Permit. A copy of this decision must be attached.
- Complete the Short Environmental Assessment Review form. (Front page only)
- Include any additional attachments that you feel will adequately support your appeal, such as photographs, building plans, surveys, and tax maps.
- Include an application fee in the amount of \$75.00, payable to the Town Clerk. The fee is nonrefundable in the event that your variance is denied.
- Upon receipt of a completed application the Town Clerk will forward your application to the planning board for their recommendation to the ZBA.
- After comment from the Planning Board Town Clerk will post a legal notice advertising the Public Hearing for your appeal and notify you of the time and date of the Public Hearing. You, or a duly authorized representative, must attend the Public Hearing.
- Upon the close of the Public Hearing the ZBA may be able to render a decision at that time.
- If the ZBA requires additional time, the decision must be reached within 62 calendar days. You will receive a written copy of this decision.
- Any variance granted which is not exercised within one year from the date of issuance must be declared to be revoked without further hearing by the Board of Appeals.

An *Area Variance* is the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional requirements of the applicable zoning regulations. New York State statutes now specifically set forth the rules for the granting of Area Variances. It is *only* the Zoning Board of Appeals that has the power to provide for such exceptions from Zoning requirements, and then *only* when the applicant can show that the legal requirements for a variance have been met can the Board of Appeals issue one. The appealing party may believe that an exception (variance) to the zoning laws should be made for his or her property. The applicant should present clear, definite facts showing that the standards have been met. The ZBA cannot grant relief where proper legal proof is not adequately presented.

Applicant Narrative: Please provide an overview of your project. Use addition pages where necessary.

State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. Please respond:

State law requires the ZBA to take the following factors into consideration in making its determination: Please respond to the following:

Will 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? Will your project result in any adverse affect on the character or quality of the neighborhood? If not, please justify your conclusions.

Can the benefit sought by the applicant be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? Can your project be modified in a way to avoid the need for relief? If not, please explain why.

Is the requested area variance substantial? Are you asking for a large deviation from the applicable codes?

Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Is the alleged hardship or difficulty self-created? What conditions on this property are unique to the property in question, and are not present in a substantial portion of the district or neighborhood? Explain why you "need" relief from the code versus "want" relief from the code.

Signature and Verification

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: _____ **Date:** _____

I, the record owner do hereby authorize _____ **to represent me before the Zoning Board of Appeals during the area variance process:**

Signature of Applicant: _____ **Date:** _____

THE DECISION/YOUR APPEAL RIGHTS

If it is the Board decision to grant your Variance, you will probably be able to proceed with your plans.

If the Board denies your request, then you have thirty (30) days, to appeal from the date the written decision is filed with the Town Clerk's Office and you are forwarded a copy.

It would be an appeal to the Supreme Court for review under an Article 78 proceeding of the Civil Practice Law and Rules. Town Law Section 276.c sets forth the details concerning the appeal. A copy of that section of Law follows.

TOWN LAW

267-c Article seventy-eight proceeding

1. Application to Supreme Court by aggrieved persons. Any person or persons, jointly or severally aggrieved by the decision of the board of appeals or any officer or department, board or bureau of the Town may apply to the Supreme Court for review by a proceeding under article seventy eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the town clerk.
2. Cost of appeal. Costs shall not be allowed against the board of appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
3. Preference of appeal to court. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
4. Power of court. If upon the hearing of the supreme court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought for review determining all questions which may be present for determination.

QUESTIONS: If you have any questions , feel free to call the Town Clerk or the Code Enforcement Officer.