

# TOWN OF FAYETTE

## APPLICATION TO THE ZONING BOARD OF APPEALS

APPLICATION FEE \$70.00

APPLICATION NUMBER \_\_\_\_\_

APPLICATION DATE \_\_\_\_\_

APPLICATION FOR: (check applicable)

(A) Interpretation of Zoning Ordinance or Map

(B) Variance

(C) Appeal action of Land Use Officer or Zoning Ordinance

Owners Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone :( ) \_\_\_\_\_ - \_\_\_\_\_ Tax Map Number: \_\_\_\_\_

(1) Purpose of  
Request \_\_\_\_\_

(2) Justification of  
Request \_\_\_\_\_

(3) Previous Appeals (list application numbers, dates, and purposes of  
requests) \_\_\_\_\_

(4) The owner should submit materials with this application, including plans, elevations,  
landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any  
other materials that will assist the Board to understand the request.

Also to be included:

(a) A north arrow

(b) The dimensions and location of the lot

(c) Size and location of all existing and proposed buildings on the lot

(d) Proposed location of the water supply and sewage disposal systems

(e) Parking areas and driveway locations

(f) Natural water course, ponds surface drainage patterns

(g) Location of existing and proposed easements

(h) Information that demonstrates how the proposed use will comply with the applicable  
provisions of this article.

\_\_\_\_\_  
Signature of the Property Owner/Date

\_\_\_\_\_  
Chairperson ZBA/ Date

Approved

Declined (list reasons)

**TOWN OF FAYETTE  
1439 YELLOW TAVERN ROAD  
WATERLOO, NY 13165  
315-585-6282 X2**

**GUIDE FOR APPLICANTS APPLYING FOR AN AREA VARIANCE**

This publication has been written to aid potential applicants in understanding and appreciating the variance process, and to provide an explanation of the rules and standards under which decisions of this Town's Zoning Board of Appeals (ZBA) must be made.

**WHAT MUST BE PROVEN IN ORDER TO BE GRANTED AN AREA VARIANCE?**

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (Such as in the required front, side, or rear yards, or above the required building height, or in excess of the lot coverage regulations), then 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. State law required the ZBA to take the following factors into consideration in making its determination.

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by granting of the area variance ;
2. Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue, but not require an 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 conditions in the neighborhood or district; and
5. Whether an alleged difficulty is self-created.

The ZBA must take each one of the factors into account. The ZBA may also decide that the lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would require a variance.

**Must the variance, if granted, be exactly what was applied for by the applicant?**

Whether the ZBA decides to grant an area variance, State law requires the ZBA to grant the minimum variance necessary to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety, and the welfare of the community. For those same reasons, the ZBA may impose reasonable conditions on the grant of the variance.

**Will the ZBA make a decision on the night of the hearing?**

Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision within 62 days.

Application checklist: Please make six(6) collated copies of each document,(except for the application fee) and submit application package to the Town of Fayette ,ZBA Clerk, 1439 Yellow Tavern Road, Waterloo, NY 13165

1. \_\_\_ Completed application Form
2. \_\_\_ Statement of Difficulty
3. \_\_\_ Application Fee
4. \_\_\_ Site Plan/Survey Map
5. \_\_\_ Construction Drawings for proposed project

