



# TOWN OF GATES – ZONING BOARD OF APPEALS

## APPLICATION FOR A VARIANCE

DATE OF MEETING: \_\_\_\_\_ APPLICATION#: \_\_\_\_\_ SUBMISSION# \_\_\_\_\_

● MONROE COUNTY PLANNING REFERRAL – DATE SENT: \_\_\_\_\_

1. APPLICANT (OWNER OR AGENT): \_\_\_\_\_
2. LOCATION OF PARCEL (ADDRESS): \_\_\_\_\_
3. LOT SIZE: \_\_\_\_\_ X \_\_\_\_\_ LOT #: \_\_\_\_\_ ZONE: \_\_\_\_\_ TAX ID #: \_\_\_\_\_
4. CIRCUMSTANCES FOR THE REQUESTED VARIANCE:
  - a. What hardship or particular difficulties are there with your property that you can not comply with the requirements of the Zoning Ordinance?  
\_\_\_\_\_
  - b. Are the circumstances and conditions unique to your property and not similarly applicable to other properties in this zoning district?(If Yes, explain)  
\_\_\_\_\_
  - c. Are the conditions and circumstances unique to your property created by you or your predecessor in title?  
\_\_\_\_\_
  - d. Will the requested variance confer special privileges that are denied other properties similarly situated and in the same Zoning District? YES \_\_\_\_\_ NO \_\_\_\_\_

### OFFICIAL USE ONLY

### LEGAL NOTICE

ARTICLE \_\_\_\_\_ § \_\_\_\_\_

THE APPLICATION OF: \_\_\_\_\_  
REQUESTING A \_\_\_\_\_ VARIANCE

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

**\*THIS APPLICATION SHALL BE SUBMITTED WITH AN INSTRUMENT SURVEY OR TAPE LOCATION MAP SHOWING WHAT IS BEING PROPOSED\***

PRINT NAME: _____	SIGNATURE: _____
ADDRESS: _____	DATE FILED: _____
CITY: _____	PHONE / CELL: _____
STATE: _____	FAX NUMBER: _____
ZIP CODE: _____	EMAIL: _____

### FEES: (NON-REFUNDABLE)

AREA VARIANCE	\$ 100
USE VARIANCE	\$ 250
EAF FORM	\$ 75
CONDITIONAL USE	\$ 200



## TOWN OF GATES

### § 190-176 Notice of public hearing.

When the Town Board, Planning Board or Zoning Board of Appeals is required to hold a public hearing, as provided for in this chapter or elsewhere by law, notice of the hearing shall be given in the following manner:

- A. Each notice of a hearing on a conditional use and a variance shall be published in a newspaper of general circulation in the Town prior to the date of the hearing.
- B. Each notice of a hearing regarding an amendment to this chapter shall be published at least one time in a newspaper of general circulation in the Town at least 10 days prior to the date of the hearing.
- C. Each notice of a hearing on an appeal authorized by this chapter shall be published in a newspaper of general circulation in the Town not less than five days prior to the date of the hearing.
- D. Posting of property.
  1. The board reviewing the application may require the applicant to post his property.
  2. Such sign shall be posted at least 15 days prior to the hearing date and shall be removed within five days after the hearing. Specifications for such signs shall be determined by the Town Board.

I DO HEREBY AGREE TO THE ABOVE MENTIONED REQUIREMENTS.

APPLICANT SIGNATURE: \_\_\_\_\_

DATE OF APPLICATION: \_\_\_\_\_



Supervisor  
Cosmo A. Giunta

# Town of Gates

1605 Buffalo Road  
Rochester, NY 14624  
Phone (585) 247-6100  
Fax (585) 426-8581

Town Council  
☆☆☆☆  
Lee A. Cordero  
Christopher B. DiPonzio  
Andrew Laughlin  
Steve Tucciarello

**PLEASE INCLUDE 14 COPIES OF WHATEVER YOU WISH TO SUBMIT WITH ZONING BOARD APPLICATION (map, diagram, letter of intent, etc.)**

**PLEASE DO NOT MAKE COPIES OF ACTUAL APPLICATION.**

**UPON SUBMITTING APPLICATION, WE WILL FURNISH THE SIGN AND POST ON THE PROPERTY. THE SIGN MUST REMAIN UP FOR 15 DAYS PRIOR TO THE ZONING BOARD OF APPEALS MEETING. IF FOR ANY REASON THE SIGN IS DESTROYED OR LOST, PLEASE CALL THE BUILDING DEPARTMENT AT ONCE AND WE WILL GIVE YOU A NEW ONE. IF ANY OR ALL OF THE BOARD MEMBERS DO NOT SEE SAID SIGN POSTED ON THE PROPERTY, YOUR CASE WILL NOT BE HEARD.**

**DO NOT FILL IN BOTTOM HALF OF APPLICATION EXCEPT FOR NAME, ADDRESS, PHONE NUMBER AND SIGNATURE SECTION.**

**AS A REMINDER, WE WILL SEND YOU A LETTER ONE WEEK PRIOR TO THE MEETING.**



## Use variances.

- a. The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- 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. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
  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.
- c. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven 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.



## Area variances,

- a. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- b. In making its determination, 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:
  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 conditions 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.
- c. The board of appeals, 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.