

TOWN OF WEBSTER
Board of Appeals Application Form
Area Variance

1. **Application Form:**
Applicant shall complete and submit to the Engineering Department one completed application form which is provided by the Town. (An incomplete application will be returned, and will cause a delay in the applicant's attempt to obtain approval.)
2. **Letter of Intent:**
Applicant shall prepare and submit with application a Letter of Intent describing the project in the applicant's own words. (12 copies required.)
3. **Plans:**
The applicant shall submit 12 copies of the plans, to scale, prepared by a licensed engineer, surveyor, architect or landscape architect. Plans shall have the name, address and phone number of the licensed professional preparing the plans together with his seal and signature and the name, address and phone number of the applicant.
Applications for a variance to a single-family residence may be accepted by the submission of an instrument survey map, no more than one year old, prepared by a licensed surveyor and showing the proposed variance to scale. Note: As long as there are no changes on the survey map, maps older than one year may be acceptable, if determined so by the Board of Appeals.
4. **Fees:**
All fees are payable at the time of submission of the application. Failure to pay fees by the cutoff date for applications will mean removal of the applicant from the scheduled hearings.
5. **Letter of Release:**
The applicant will submit with his application a letter from the owner of the property, if not the applicant, indicating his approval to seek a variance on the property, or a copy of a properly executed purchase offer for the property.
6. **Schedule of Submission:**
The Webster Board of Appeals meets on the 2nd and 4th Tuesdays of each month. All meetings start at 7:00 PM. The Webster Zoning Board of Appeals, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. The hearings will be held on the next regularly scheduled Public Hearing. Applications must be in on the cutoff dates on the attached schedule.
7. **Mailings by the Applicant:**
The applicant shall be responsible for notifying by first class mail all property owners of record within one hundred (100) feet of the outside perimeter or boundary line of property involved in the variance application the time, date, and place of such public hearing by mail at least ten (10) days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property records of the Town Assessor or at the property address.
8. **Before the Hearing:**
At least seven (7) days prior to such hearing the applicant shall file with the Zoning Board his/her affidavit of mailing such notices. Failure to receive such notice shall not be deemed a jurisdictional defect of the Zoning Board.

Any application not complying with the above minimum requirements will not be scheduled.

CHECKLIST FOR SUBMISSION OF PLANS

Board of Appeals Submission:

Applications to the Webster Board of Appeals shall include all the information indicated below and as may be additionally required by the Department of Public Works.

1. Application for change of use not permitted under current zoning and where no physical work is to be performed on the property outside the building - these applicants shall submit a plan showing:
 - a. Boundary data and adjacent owners
 - b. Parking, landscaping and lighting
 - c. Existing buildings and their uses.
 - d. Floor plan of existing buildings and proposed uses.
These plans to be prepared by a professional licensed to do such work and shall be signed and sealed by such professional.

2. Applicants for a variance to a single-family residence shall submit an instrument survey showing existing property boundary and existing structures, together with proposed changes and the variance requested.

3. All other types of applications shall include on their plans the following:
 - a. Map drawn to scale prepared by licensed engineer, surveyor, architect or landscape architect.
 - b. Boundary data, to include length, bearings or angles, tie distance to nearest intersection and adjacent property owners' names and north arrow.
 - c. Preliminary topographic data taken from County maps or other available maps and to include:
 - a. Contours at 5-ft. min. intervals.
 - b. Physical features such as woods, creeks, ponds, roads, existing structures or any other features which may be important in determining if the project is feasible.
 - d. Site data, showing proposed uses, including parking, building locations or subdivision layout, landscaping, preliminary utility layout and other physical improvements important for the Board to properly evaluate the application per Section 225-108 of the Code of the Town of Webster.

The Department of Public Works is available to discuss any application prior to its submission.

APPLICATION TO APPEAL
WEBSTER BOARD OF APPEALS or WEBSTER TOWN BOARD

APPLICANT REQUESTS PERMISSION TO APPEAL THE ABOVE DENIAL AND FOR REFERRAL OF THE MATTER TO THE BOARD OF APPEALS OR TO THE WEBSTER TOWN BOARD FOR A HEARING AND SUBMITS THE FOLLOWING INFORMATION:

1. Relief requested:

a. Request a permit, license or approval to:

1. Describe what you want to do: _____

2. Please complete the appropriate applicant's statement:

Schedule 1 - Use Variance

Schedule 2 - Area Variance

3. When do you intend to start project? _____

4. What is your estimated time of completion? _____

5. Address of property involved in this application _____

6. Who is going to do work? (circle one)

Owner

Subdivider

Contractor

Subcontractor

7. Submit construction plan showing where appropriate, size, type of materials to be used, colors, lighting, landscaping, location of driveways and septic approval where appropriate. (If County or State highway, provide written approval from those agencies.)

8. Estimated cost _____

9. Indicate previous variances, permits, licenses, approvals or disapprovals, to include dated made on the above request and/or described property.

10. Where application is for new or additional structure, applicant shall provide an instrument survey map (12 copies) indicating thereon property lines, existing buildings, proposed additions, all setbacks both existing and proposed construction, and nearest adjoining structure.

2. If request is disapproved by the Zoning Board of Appeals, state hereon any hardships or difficulties that will result due to such action.

3. List any other pertinent information not listed above.

4. The applicant may offer a petition of consent signed by immediate property owners.

5. Applicant will be notified of time and date of hearing of petition.

6. Applicant and/or designated agent must be present at time of hearing.

7. Any violation of Board approval, restrictions, specifications, or stipulations may result in revocation of approval, permit, license or variance granted.

8. Accompanying application fee based on the following fee schedule.

	<u>Residential</u>	<u>Commercial</u>
EAF Review	\$10.00	\$10.00
Advertising	\$50.00	\$50.00
Review	\$25.00 + \$10.00 per additional variance	\$50.00 + \$20.00 per additional variance

9. Completion of applicants statement.

Owner's Affidavit

I, _____ do hereby certify that I am an owner of contract purchaser of property involved in this request and that the foregoing statements and answers contained herein and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief if application is granted all actions shall be in accordance with the terms of approval.

Signed

Mailing Address

Telephone Number

Dated: _____

Schedule #2

Tax Account # _____ **Date:** _____

Property/Project: _____
Owner/Applicant _____

**APPLICANT'S STATEMENT OF WHY DIMENSIONAL REQUIREMENTS OF THE
ZONING CODE CANNOT BE REASONABLY
MET FOR AREA VARIANCE APPLICATIONS**

Applicant is to explain how the request conforms to each of the following requirements:

A. An undesirable change will not be produced in the character of the neighborhood and no detriment will be created to nearby properties if the area variance is created because: (Code 225-108-D-(2)(b)[1][a])

B. The benefit sought by the applicant cannot be achieved by some other feasible method other than an area variance because: (Code 225-108-D(2)(b)[1][b])

C. The requested area variance is not substantial because: (Code 225-108-D-(2)(b)[1][c])

D. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: (Code 225-108-D(2)(b)[1][d])

E. 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: (Code 225-108-D-(2)(b)[1][e])

NOTICE

Town of Webster Zoning Board of Appeal

Rules and Regulations

1. The Webster Zoning Board of Appeals meets on the 2nd and 4th Tuesdays of each month with the meetings starting at 7:00 PM.
2. The Webster Zoning Board of Appeals, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. The hearings will be held on the next regularly scheduled Public Hearing.
3. A condition will be placed on each granted variance that if meaningful construction, as determined by the Webster Zoning Board of Appeals, has not commenced within one year of this approval the variance is rescinded.
4. Hearings:

The Building Department's policy is to hold all applications on the Town Zoning Board of Appeals agenda within 30 days of receipt. The 30 day policy allows sufficient time for the Department of Environmental Conservation, Monroe County Department of Planning, Irondequoit Bay Coordinating Committee and any other federal, state or local agency to comment on your application as required by federal, state or local law.

At the time of the hearing of any application, if the appropriate response to referrals have not been received, the application may be tabled to the next meeting of the Zoning Board of Appeals.

I have received the above Rules and Regulations and have them in their entirety.

Applicant's Signature

DISCLOSURE OF INTENT TO REQUEST
TAX INCENTIVES, ABATEMENTS, OR EXEMPTIONS

1. Have you currently applied for or intend to apply for any tax incentives, abatements, or exemptions? _____YES _____NO
- a. If yes, would you agree to enter in to a Host Community Agreement* (HCA) with the Town of Webster? _____YES _____NO
- b. If no, then in the future if you apply for or receive any tax incentives, abatements, or exemptions would you agree to enter in to a HCA? _____YES
_____NO

NAME OF PROPERTY/BUSINESS OWNER

SIGNATURE OF PROPERTY/BUSINESS OWNER

DATE

*Host Community Agreement (HCA) – A HCA is an agreement between the Business/Property owner, wherein the Business/Property owner recognizes that the Town provides services which benefit the Business/Property, and the owner desires to compensate the Town for such services, by making payment to the Town (and to make the Town whole in regard to property taxes)by entering into this Agreement to acknowledge the Town’s cost of providing services to its residents and property owners.

**DISCLOSURE PURSUANT TO
SECTION 225-111
OF THE WEBSTER ZONING ORDINANCE**

TO WHOM IT MAY CONCERN:

No officer or employee of the State of New York, County of Monroe or Town of Webster has any financial interest in the land affected by or in the person, partnership, association or corporation making application for the project known as _____
_____.

DATED: _____

BY: _____
Authorized Representative

AFFIDAVIT FOR PROOF OF MAILING

_____, 20__

To Whom It May Concern:

Please find enclosed a list of mailing notices that were sent out to property owners that live within one hundred (100) feet of the outside perimeter or boundary line of the property involved in the variance application for the _____ project.

This affidavit hereby shows that these mailing notices were sent out by first class mail at least ten (10) days prior to the variance hearing and that this affidavit was received seven (7) days prior to said Zoning Board of Appeals meeting.

Sincerely,

Name _____
Address _____
Phone # _____

Sworn to me this _____ day of _____ 20_____.

Notary Public

Dear Neighbor:

Please let this letter serve as a notice that the following variance application is scheduled for a Public Hearing before the Town of Webster Zoning Board of Appeals.

DATE: _____

PLACE: _____

TIME: _____

Subject Parcel- _____

Description of variance requested- _____

Comments and concerns will be welcome in writing or in person at the time of the hearing.

Zoning Board of Appeals Contact Information:

Telephone: 872-7032

Email: planning-zoning@ci.webster.ny.us

Address: Zoning Board of Appeals
Town of Webster
1000 Ridge Rd.
Webster, NY 14580

Sincerely,

Applicant _____

Address _____

Presenting to the Planning Board or Zoning Board of Appeals

Requesting a variance from the Zoning Board or approval for property development from the Planning Board is a hands-on process. After submitting an application, you or someone authorized by you, will need to present your case to the Board. Here are some tips to help your presentation:

1. **Attend or watch a meeting before your scheduled hearing.** The Planning and Zoning Board meetings are open to the public and are broadcast on Webster Cable Access channel 12. This will enlighten you about the Boards' processes, concerns and personalities.
2. **Dress appropriately.** Business or business-casual apparel suggests respect for the proceedings.
3. **Speak clearly into the microphone.** Acknowledge the Board and introduce yourself by stating your name and address or place of business, whichever is relevant to the proposal.
4. **Know your facts.** The Boards want to hear your proposal and related facts regarding your request. You will have as much time as you need to present your case. However, be mindful of the other applicants waiting to be heard.
5. **Provide visuals.** The Board members will review your application and visit your home or site up to two weeks before you are scheduled to appear. Providing documents like photographs, architectural drawings, and letters from neighbors before or during the meeting helps the members to make informed decisions.
6. **Expect a decision.** The Boards will make a determination while you are present. Most of the time, an approval will include conditions, such as obtaining necessary permits. If, during the discussion, additional information is needed, a specific action is requested, or a significant procedural mistake is recognized, you will be asked to correct the situation and reappear on a specific date.
7. **Be respectful.** The Town's Planning and Zoning Boards work hard to negotiate a fair outcome. They strive to balance your request with the community's health, safety, and welfare, while complying with the Town's growth management plan.

Once the Boards have made their determination, you will receive a letter in the mail stating their decision and conditions. Keep this with your important paperwork. Because the information will also be shared with the Building Department, you do not need to wait until you receive the letter to move forward with your plans. Please contact the Department of Public Works if you have any questions about this process. Good luck!

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres		
b. Total acreage to be physically disturbed?		_____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		