Revised 12/2015

TOWN OF WEBSTER
Board of Appeals Application Form
Use 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 225-107 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.

	Residential	**Commercial**
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 #1

Tax Account # _____ **Date:**_____

Property/Project:_____
Owner/Applicant _____

APPLICANT'S STATEMENT OF UNNECESSARY HARDSHIP FOR USE VARIANCE APPLICATIONS

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

A. An applicant is deprived of all economic use or benefit from the property because: (provide competent financial evidence of such deprivation.) (Code 225-108-D-(2)(a)[1][a])

_____

_____

B. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood because: (Code 225-108-D(2)(a)[1][b])

_____

_____

C. The requested variance if granted will not alter the essential character of the neighborhood because: (Code 225-108-D-(2)(a)[1][c])

_____

_____

D. The deprivation of all economic use is not the result of any action by the owner and therefore is not self-created because: (Code 225-108-D(2)(1)[1][d])

_____

_____

E. The applicant is for the minimum variance necessary and adequate to address the unnecessary hardship because: (Code 225-108-D-(2)(a)[2])

_____

_____

F. Whether the difficulty can be obviated by some method feasible for the applicant to pursue, other than the variance?

G. Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the character of the neighborhood and the health, safety, and welfare of the community will be preserved and protected if the variance is granted.

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 EXEM PTIONS

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.

ZBA 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 _____

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** ☐
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** ☐
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. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland				

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☐	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☐	☐
b. Is the proposed action located in an archeological sensitive area?	☐	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☐	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100 year flood plain?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	YES
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)? If Yes, explain purpose and size: _____	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☐	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: _____

Signature: _____

PRINT FORM