

Application Fee: \$

VILLAGE OF HILTON

59 Henry Street Hilton, New York 14468
Phone: (585)392-4144 Fax: (585)392-5620
Website: www.hiltonny.org

ZONING BOARD OF APPEALS APPLICATION

Area Variance: _____ Use Variance: _____
Home Occupations: _____ Special Use Permit: _____
Change of Use: _____ Site Plan: _____
Other: _____

Meeting Date: _____
Date Submitted: _____
Plans Submitted (7 copies): ☐
Environmental Assessment Form: ☐

Please note:

- Applicant and/or owner must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees (at cost) related to the review of application.

PROPERTY ADDRESS: _____

Tax Map Parcel #(s): _____ Parcel size: _____ width _____ depth _____

Property Zoning District: _____ Property Class: _____

Present Use of Property: _____ Proposed Use of Property: _____

Provision of Code Appealed (give section and subsection numbers): _____

Previous applications for this property that pertain to this application?: _____ Village Board _____ Zoning Board of Appeals

Description of Proposal / Detail of Request: _____

Certification of Statements:

The **applicant(s)** hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are **title owner(s)** of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

Applicant Signature

Owner Signature

Applicant Name Printed/Typed

Owner Name Printed/Typed

Street City State Zip

Street City State Zip

Phone # E-mail

Phone # E-mail

.....

AREA VARIANCE TEST

New York State criteria:

In making its determination, the ZBA 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 condition 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.

If approved the Zoning Board of Appeals shall grant the minimum variance necessary and the Board may impose reasonable conditions.

USE VARIANCE TEST

New York State criteria:

To allow a use not otherwise allowed in Zoning, an applicant must demonstrate to the Board-***unnecessary hardship***. Such demonstration includes all of the following tests, for each and every permitted use:

- 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.

If approved the Zoning Board of Appeals shall grant the minimum variance necessary and the Board may impose reasonable conditions.