

TOWN OF JERUSALEM, NEW YORK

Department of Code Enforcement and Administration

3816 Italy Hill Rd.

Jerusalem, New York 14418

Telephone No.: (315) 595-2284

Fax No.: (315) 305-3507

Email: ceo@jerusalem-ny.org

Website: www.jerusalem-ny.org

Application for an Area Variance

Dear Applicant:

This application for an Area Variance is hereby given to you since the Code Enforcement Officer has determined, whether verbal or in writing, that your project does not comply with one or more dimensional or physical requirements of the applicable regulations prescribed in the Zoning Law. You have the right to submit this application as prescribed in section 267-b of the Town Law of New York State to petition the Zoning Board of Appeals (ZBA) to reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination of the Code Enforcement Officer.

The courts have set up certain tests for Area Variance applicants. These tests are standards that an applicant must meet before a ZBA may issue an Area Variance. These tests have been incorporated into law through criteria an applicant must meet before the ZBA may grant an Area Variance [Town Law §267-b (3)(b)]. The state law specifies five factors the ZBA must consider in weighing the interests of the applicant and the neighborhood or community:

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 ZBA, but shall not necessarily preclude the granting of the Area Variance.

The following must be completed and/or submitted to the Town of Jerusalem:

1. Completed Area Variance application signed by owner.
2. Fee(s) - \$250 application fee, \$100 fee for each additional variance (checks made payable to the town of Jerusalem)
3. Project Narrative and/or Summary
4. Site Plan or Survey (Signed and Sealed if applicable)
5. SEQRA – Short Environmental Assessment Form (if applicable)
6. **Requested variances must be staked out on site 1 week prior to the meeting.**

The Zoning Board of Appeals will not review this application if requested variance(s) are not staked out 1 week prior to the meeting or the site address is not visible. The application will be tabled and an additional fee will be incurred.

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Office:

Date Received:

Tax Map #:

Fee: \$

Application #:

Paid

AREA VARIANCE APPLICATION

1. Project Information:

(Type or clearly print)

Address of Project:

Zoning District:

Property Owner:

Mailing Address:

Phone Number:

Email:

2. Description of Area Variance(s):

1. Proposed Variance:

Requesting Variance from: Chapter:

Section:

2. Proposed Variance:

Requesting Variance from: Chapter:

Section:

3. Proposed Variance:

Requesting Variance from: Chapter:

Section:

4. Proposed Variance:

Requesting Variance from: Chapter:

Section:

5. Proposed Variance:

Requesting Variance from: Chapter:

Section:

3. NYS Criteria/Rules for an Area Variance:

(Reply "Yes" or "No" to the following questions and **explain** your response. The ZBA need not find in favor of the applicant on every one of the below questions. Rather, the ZBA must take each one of the factors into account. The ZBA may decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.)

1. Will an undesirable change 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. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an Area Variance?
3. Is the requested Area Variance substantial?
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Is the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?

4. Acknowledgment of Owner to Reimburse the Town for any Administrative Costs:

Does the Owner understand and agree to reimburse the Town for any administrative costs incurred to review this application?

Yes

Note. Pursuant to the Code of the Town of Jerusalem, the owner is required to reimburse the Town for any administrative costs incurred to review an application. Administrative costs are defined as “those charges incurred by the Town in processing and reviewing applications or other actions pertaining to the administration and enforcement of the Code of the Town of Jerusalem including but not limited to:

- Attorney fees.
- Appraisal fees.
- Engineering fees.
- Land survey fees.
- Any other costs incurred by the Town.

5. Application Checklist:

Completed Application Signed by Owner

Application Fee(s) (Checks made payable to “Town of Jerusalem”)

Project Narrative and/or Summary

Site Plan or Survey (Signed and Sealed if applicable)

SEQRA – Short Environmental Assessment Form (if applicable)

Requested Variance Staked Out Onsite

6. **Affirmation:** The Undersigned hereby attests that he or she is the owner of the property subject of this application that has been submitted to this Town. Additionally, the owner hereby certifies that the information contained in this application is accurate, true and complete to the best of his or her knowledge, and understands that false statements made in this application are subject to the applicable provisions of the Penal Law of the State of New York. Furthermore, the owner comprehends that he or she is ultimately responsible for the compliance with all local, state and federal laws regardless of any contractual agreements.

Owners Signature:

Date:

NOTE:

- ❖ As a result of filling this application, notification is given to the Zoning Board of Appeals who will then visit the property prior to their review of this application. Your Permission for this visit is implied by the filing of this application.
- ❖ **The Zoning Board of Appeals will not review this application if requested variance(s) are not staked out 1 week prior to the meeting or the site address is not visible. The application will be tabled and an additional fee will be incurred.**

7. Description of Area Variance(s) Continued:

6. Proposed Variance:

Requesting Variance from: Chapter:

Section:

7. Proposed Variance:

Requesting Variance from: Chapter:

Section:

8. Proposed Variance:

Requesting Variance from: Chapter:

Section:

9. Proposed Variance:

Requesting Variance from: Chapter:

Section:

10. Proposed Variance:

Requesting Variance from: Chapter:

Section:

11. Proposed Variance:

Requesting Variance from: Chapter:

Section:

12. Proposed Variance:

Requesting Variance from: Chapter:

Section: