

**AREA VARIANCE APPLICATION**

TO: VILLAGE OF MIDDLEPORT ZONING BOARD OF APPEALS  
24 MAIN ST., MIDDLEPORT, NY 14105  
FEE: \$200.00, PAYABLE TO VILLAGE CLERK

**STATEMENT OF OWNERSHIP/INTEREST**

THE APPLICANT(S) \_\_\_\_\_ IS/ARE THE OWNER(S)  
OF PROPERTY SITUATED AT THE FOLLOWING ADDRESS: \_\_\_\_\_

THE APPLICANT(S) RESIDENCE ADDRESS, IF DIFFERENT, IS: \_\_\_\_\_

THE ABOVE PROPERTY WAS ACQUIRED BY THE APPLICANT ON: \_\_\_\_\_  
DISTRICT ZONED:  R-1, RESIDENTIAL  R-2, MULTIPLE RESIDENTIAL  B-1, BUSINESS  
 L-1, LIGHT INDUSTRIAL  F-1, INDUSTRIAL

**REQUEST**

THE APPLICANT APPEALS TO THE ZONING BOARD OF APPEALS FOR AN AREA VARIANCE FROM THE PROVISIONS OF THE VILLAGE ZONING ORDINANCE FOR THE FOLLOWING PURPOSES (DESCRIBE PROPOSED CONSTRUCTION):

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

(ATTACH PLOT PLAN SHOWING EXISTING STRUCTURES AND PROPOSED CONSTRUCTION WITH DIMENSIONS TO PROPERTY LINES)

**REASONS FOR APPEAL**

THE APPLICANT HAVING BEEN UNABLE TO OBTAIN A NECESSARY PERMIT APPROVAL ALLEGES THAT THE AREA VARIANCE WOULD BE IN HARMONY WITH THE INTENT AND PURPOSE OF SAID ZONING ORDINANCE; THAT THE PROPOSED VARIATION FROM THE DIMENSIONAL OR TOPOGRAPHICAL REQUIREMENTS OF SAID ORDINANCE WOULD NOT BE DETRIMENTAL TO PROPERTY AND PERSONS IN THE NEIGHBORHOOD; AND SUCH VARIANCE IS NEEDED BY APPLICANT FOR THE FOLLOWING REASONS (BRIEFLY DESCRIBE FOR EXAMPLE WHY A VARIANCE FROM THE MINIMUM DIMENSIONS IS NEEDED AND PROVIDE ANY OTHER PERTINENT INFORMATION TO SUPPORT YOUR REQUEST):

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APPLICANT(S) SIGN/DATE: \_\_\_\_\_

\_\_\_\_\_

**NOTE**

- A. THE ZONING BOARD OF APPEALS WILL CONSIDER THE FOLLOWING FACTORS IN MAKING THEIR DETERMINATION:
  1. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING THE 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 VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
  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.
- A. THE ZONING BOARD OF APPEALS HAS THE POWER TO IMPOSE REASONABLE CONDITIONS WHEN GRANTING AREA VARIANCES.
- B. ANY AREA VARIANCE GRANTED SHALL BE THE MINIMUM DEEMED 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.