



VARIANCE APPLICATION

Applications are accepted by appointment only. To schedule an appointment, please contact Jill Wiedrick by phone at (585) 421-3208 or by email at jmw@fairportny.com

APPLICATION REQUIREMENTS

	One copy of the application including responses to all variance standards
	One copy of the Environmental Assessment, if applicable. Fillable forms with an interactive database may be found on the NYSDEC website https://www.dec.ny.gov/permits/6191.html
	One copy of the Instrument Survey Map that reflects current site conditions
	Three copies of a scaled site plan
	One copy of a scaled floor plan
	One copy of scaled elevations of proposed structures, or façade renovations to existing structures
	Digital photographs of the subject site, structures on the site, and surrounding properties
	Digital versions of all drawings, graphics, and photographs in individual portable document format (PDF) files via email or file transfer
	Board Member Site Visit Signature Page
	Statement of Applicant and Owner with Respect to Reimbursement of Professional and Consulting Fees Signature Page
	Application Fee – Area Variance – Residential \$100 Commercial \$175
	Use Variance – Residential \$250 Commercial \$500

IMPORTANT

- Completed applications must be submitted before the published deadline.

POSTING REQUIREMENT

- After submission of a complete application, a public notification sign will be issued and must be posted on the property. The sign shall be placed on the property readily visible from the public right of way.

WHAT IS A VARIANCE?

A variance is permission granted by the Zoning Board of Appeals so that property may be used in a manner not allowed by the Zoning Code. There are two types of variances – use and area. A use variance grants permission to the property owner to do what the use regulations prohibit. An area variance is the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the Zoning Code. When granting either a use or area variance, the Zoning Board of Appeals must grant the minimum variance that it deems necessary and adequate, while at the same time preserving neighborhood character, as well as the health, safety, and welfare of the community.



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COMMON APPLICATION QUESTIONS

WHAT IS THE PROCESS?

Once a complete application is accepted, it is placed on the next available Zoning Board of Appeals agenda. A public notification sign will be provided to the applicant and must be posted.

The applicant will be notified in writing of the date, time and place of the public hearing. In addition, neighboring property owners will be notified by mail of the pending application.

A staff report with all project information and documentation will be provided to the applicant, as well as the Zoning Board of Appeals, prior to the scheduled hearing date.

It is the applicant's responsibility to attend the public hearing to present their proposal and to answer any questions that the Zoning Board of Appeals may have.

The Zoning Board of Appeals will generally make its decision the same day as the hearing.

WHAT HAPPENS IF THE APPLICATION IS APPROVED?

An approval of an approval on condition, does not authorize the proposed project to process, but authorizes the filing of applications for permits or other approvals that may be required by Village Code.

WHAT HAPPENS IF THE APPLICATION IS DENIED?

An appeal from any final decision must be taken within 30 days of the filing date of the decision in accordance with Article 78 of the New York Civil Practice Law and Rules.



AREA VARIANCE APPLICATION

PROJECT ADDRESS

ZONING DISTRICT

APPLICANT INFORMATION

Name

Mailing Address

Phone Number

Email Address

Interest in Property

Owner

Lessee

Other

Signature

Date

Property Owner Signature
(if other than above)

Date

DETAILED PROJECT DESCRIPTION (additional information can be attached)



AREA VARIANCE APPLICATION

Area Variance
Statement of Difficulty
Section 550-69D

When requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as the required front, side, or rear yards, or above the required building height, or in excess of the lot coverage regulations), the applicant is required to show that the benefit that the applicant stands to receive from the variance will outweigh any burden to health, safety, and welfare that may be suffered by the community. The Zoning Board of Appeals is required to take the following factors into considering in making its decision.

Please provide a response to each question.

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties should the requested area variance be granted?

2. Can the benefit sought be achieved in some feasible manner other than an area variance?



AREA VARIANCE APPLICATION

3. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

4. Is the requested area variance substantial?

5. Has the alleged difficulty been self-created?



Board Member Site Visits

As part of their responsibilities for reviewing your application, Board Members and Village Staff conduct site visits of the subject property to enable them to observe the property and the context of the neighborhood and adjacent properties. Some applications involve a project that is not visible from the public right-of-way and it may be necessary for Board Members and Village Staff to access your property to observe portions of the exterior of the property not visible from the right of way.

Please note that if you do not authorize Board Members and Village Staff to access your property, you must provide additional photographic evidence of the area of your property that is not visible from the public right-of-way.

I, _____ (owner of property),

located at _____ (subject property address) hereby grant permission to members of the Fairport Planning Board, Zoning Board of Appeals, Historic Preservation Commission and Village Staff to enter upon and review my premises in connection with the application submitted for the review.

Signature of Property Owner

Date



**Statement of Applicant and Owner with Respect
to Reimbursement of Professional and Consulting Fees**

In conjunction with an application made to the Village of Fairport, the undersigned states, represents and warrants the following:

1. I/We am/are the applicant and/or owner with respect to an application to the Village of Fairport.
2. I/We have been advised of, are aware of and understand the obligation to reimburse the Village of Fairport for consulting and professional fees incurred in relation to my/our application(s), all in accordance with the Village of Fairport Consultant Fee Reimbursement Law.
3. I/We understand that this obligation shall not be dependent upon the approval or success of the application.

Owner

Signature

Dated

Applicant (if different from Owner)

Signature

Dated