

# TOWN/VILLAGE OF LIMA

7329 East Main Street, Lima, NY 14485 Email: codes@townoflima.org Web Site: Lima-ny.org Telephone: 624-7911

## APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

### SECTION I: APPLICANT INFORMATION

	APPLICANT	OWNER (if not applicant)	ATTORNEY/AGENT
NAME:	_____	_____	_____
ADDRESS:	_____	_____	_____
TEL./FAX:	_____ / _____	_____ / _____	_____ / _____
E-MAIL:	_____	_____	_____

Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

Applicant must be the property owner. If applicant is lessee or one with an option to lease or purchase the property in question then an Owner's signed consent statement must be attached.

### SECTION II: PROPERTY INFORMATION

- Property Address: \_\_\_\_\_
- Tax Parcel No.: \_\_\_\_\_
- Zoning District: \_\_\_\_\_
- The following designations are located on the property: (check all that apply)

<input type="checkbox"/> Historic Preservation Overlay	<input type="checkbox"/> Stream Corridor Protection Overlay
<input type="checkbox"/> Steep Slope Protection Overlay	<input type="checkbox"/> Land Conservation District
<input type="checkbox"/> Wetland Protection Overlay	<input type="checkbox"/> Flood Plain
- Deed restrictions or covenants applying to property: \_\_\_\_\_
- Has a ZBA variance been granted for this property?  Yes  No  
When: \_\_\_\_\_ For what: \_\_\_\_\_
- The applicant requests relief from the following Town / Village Zoning Ordinance: \_\_\_\_\_
- Description of project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION III: AREA VARIANCE QUESTIONS** *(add additional information as necessary)*

In order for the Zoning Board of Appeals to grant an Area Variance, the Board must balance the potential benefit to the applicant against the potential detriments that the variance may create in the neighborhood or community by taking the following five factors into consideration. Applicant shall provide responses to each of the questions below. Add additional sheets as necessary to fully explain response.

1. **WILL GRANTING OF THE VARIANCE PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES?** Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

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2. **CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY OTHER FEASIBLE MEANS?** Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible:

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3. **IS THE REQUESTED VARIANCE SUBSTANTIAL?** The more substantial the variance request the more difficult the balance test:

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4. **WILL THE VARIANCE HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT?** Examples are: a blocked view; drainage problems created; impacts wetlands; affects parking; etc. If there are negative impacts the ZBA may impose conditions to lessen the impact:

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5. **WAS THE ALLEGED DIFFICULTY SELF-CREATED** *(this does not necessarily preclude granting of an area variance)?* Explain whether the alleged difficulty was or was not self-created:

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**SECTION IV: APPLICATION CHECKLIST**

YES NO NR

- Agricultural Data Statement
- Part 1 of Short Environmental Assessment Form
- County Planning Board Referral
- An instrument survey map or tape location map that shows all existing and proposed structures, setback dimensions and property area.
- Fee paid at time of application.
- Sign posting by Building Inspector.
- Notification of surrounding property owners by Building Inspector.

The Zoning Board reserves the right to request additional information, as necessary, to support an application. Town/Village staff will review the application and related information as submitted and determine that the application is complete or if additional information is required in order for the Zoning Board to adequately review the application. Applicant shall submit any supplementary information requested no later than one week prior to the Zoning Board meeting date in order to afford time for review of information prior to the meeting. The applicant shall submit ten (10) complete sets of all materials.

**SECTION V: DISCLOSURE AND APPLICANT CERTIFICATION**

**DISCLOSURE**

Does any Village/Town officer, employee, or family member thereof have a financial interest in this application?

Yes  No

If "yes", the name, address and nature and extent of this interest must be detailed below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Nature/Extent of Interest: \_\_\_\_\_

**APPLICANT CERTIFICATION**

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

\_\_\_\_\_  
(applicant signature)

\_\_\_\_\_  
(applicant signature)