

# VILLAGE OF MORRISVILLE

P.O. BOX 955  
MORRISVILLE, NEW YORK 13408  
TELEPHONE: (315) 684-7007  
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## APPLICATION FOR AREA VARIANCE

### FILING INSTRUCTIONS

Compliance with the following will in no way guarantee approval of an application. It may even be necessary for the board to request additional information to make its decision.

Village Law §7-712-b defines an area variance as “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 applicable zoning regulations.” In order to prove such unnecessary hardship the applicant must demonstrate to the Zoning Board of Appeals (ZBA):

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 board of appeals, but shall not necessarily preclude the granting of the area variance.

The burden of proof for all applications is on the applicant, who should be prepared at the time of the public hearing to describe the application, state the necessity for the application, and show compliance with the applicable tests for approval (see attached sheets applicable specifically to an area variance). The applicant, or the applicant's duly authorized agent, must appear at all public hearings held on the application. Failure to appear may result in an automatic denial.

The requirements set out in this packet for an application for an area variance to the Zoning Board of Appeals is not to be considered all-inclusive. Depending on the nature and scope of a particular application, it is the prerogative of the Code Enforcement Officer, Zoning Board secretary or the Zoning Board of Appeals to request more information of the applicant.

Before the application for an area variance can be considered complete and ready for submission to the Zoning Board of Appeals, the applicant must file the following with the Village Clerk:

1. Original and 6 copies of the application completely filled out and signed.
2. 7 copies of an appropriate Environmental Assessment Form.
3. 3 copies of the Disclosure Statement required under Section 809 of the New York General Municipal Law (form attached)
4. A check for the required application fee of \$125.00 payable to the ‘Village of Morrisville’.

**Please remove these instructions prior to filing**

**NEW YORK STATE  
STANDARDS FOR GRANTING OF AREA VARIANCES  
VILLAGE LAW §7-712-b**

**§7-712-b Permitted action by board of appeals.**

**Power to Grant Area Variances**

3. Area variances.

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

**Tests for Granting Area Variances**

- b. In making its determination, the Zoning Board of Appeals 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 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 board of appeals, but shall not necessarily preclude the granting of the area variance.

**Minimum Variance Necessary**

- c. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem 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.

**Power to Impose Conditions**

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**VILLAGE OF MORRISVILLE  
ZONING BOARD OF APPEALS  
APPLICATION FOR AREA VARIANCE**

*Village Use Only*

(Date Application Filed \_\_\_\_\_  
(  
(Date of Hearing \_\_\_\_\_  
(  
(Date of Final Action \_\_\_\_\_  
(  
(Action \_\_\_\_\_

**Applicant Information**

Name of Applicant(s) \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

Applicant's Phone # \_\_\_\_\_ Email Address \_\_\_\_\_

Property Owner (if different) \_\_\_\_\_

**Property Information**

Tax Map # \_\_\_\_\_ Property Location (Street Address) \_\_\_\_\_

Zoning District Classification of Property \_\_\_\_\_

**Project Description**

Please describe, in detail, the requested area variance you are seeking. Please list what the regulations are in the Zoning Law and how your project differs from those regulations:

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

Provision of Village Code appealed (note code section/subsection) \_\_\_\_\_

Dimensional request (specify), \_\_\_\_\_  
does not conform with section (s) \_\_\_\_\_ requirements  
(specify) \_\_\_\_\_  
\_\_\_\_\_

**NEW YORK STATE  
STANDARDS FOR GRANTING OF AREA VARIANCES  
VILLAGE LAW §7-712-b**

**TESTS FOR GRANTING AN AREA VARIANCE**

The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not the Zoning Board of Appeals. Please answer the following questions to the best of your knowledge. Attach supporting materials as necessary. The more complete the answers, the easier a determination will be facilitated.

**A. Benefit to Applicant.** Describe how the requested variance would benefit the project:

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**B. Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

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**C. Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

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**D. Substantial.** Describe whether the requested area variance is substantial in nature:

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**E. Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district:

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**F. Self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance:

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In the event that all required documents are not furnished to the Zoning Board of Appeals at the time of submission of this application, applicant hereby waives any and all rights which might otherwise accrue by virtue of Article 7 of the New York Village Law.

Applicant consents to appropriate Village action either revoking any approval which may be granted hereafter or obtaining necessary injunctive relief in the event applicant fails to abide by any conditions or restrictions contained herein or imposed hereafter by the Zoning Board of Appeals.

Applicant hereby acknowledges and represents that all disclosures required by law, and specifically those required by Section 809 of the New York General Municipal Law, have been submitted in writing to the Zoning Board of Appeals prior to or at the time of submission of this application.

Optional Information: Use photos, topographic maps, statements from neighbors, references, whatever will help prove your case.

Dated: \_\_\_\_\_, \_\_\_\_\_

APPLICANT’S SIGNATURE:

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Corporate Applicant’s Name)

By: \_\_\_\_\_

Its: \_\_\_\_\_

Signature of owner who is not the applicant:

The undersigned owner(s) of the above described property hereby acknowledge and consent to the submission to the Zoning Board of Appeals of this application for Area Variance.

\_\_\_\_\_  
(Owner’s Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Owner’s Signature)

\_\_\_\_\_  
Date

**VILLAGE OF MORRISVILLE**

**DISCLOSURE STATEMENT**

This affidavit is a part of and must be completed and attached to every application, petition, or request submitted for subdivision approval (approval of a plat), site plan approval, special use permit, zone change or other zoning approval under the Code of the Village of Morrisville.

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_) SS

1. \_\_\_\_\_ being duly sworn, deposes and says that he/she is:  
\_\_\_\_\_  
(applicant, petitioner, corporation officer, property owner, etc.)

2. That deponent has read and is familiar with the provisions of the General Municipal Law Section 809 which states:

I. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

II. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such an applicant express or implied, whereby he/she may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

III. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

IV. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

3. That no Village of Morrisville Officer, employee or a relative of either, as defined in Section 809 of the General Municipal Law has any interest in this application or request.

-OR-

4. If a Village of Morrisville Officer, employee or a relative of either as defined in Section 809 of the General Municipal Law has any interest in this application or request give the full particulars in the following paragraph.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Applicant, etc. - signature)