

VILLAGE OF MORRISVILLE

P.O. Box 955
MORRISVILLE, NEW YORK 13408
TELEPHONE: (315) 684-7007
FAX: (315) 684-9268

APPLICATION FOR USE VARIANCE

FILING INSTRUCTIONS

Village Law Section 7-712(1) defines a use variance as “the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.” In order to prove such unnecessary hardship the applicant must demonstrate to the zoning board of appeals (ZBA):

- (1) That with respect to each and every permitted use under the zoning regulations for the particular district where the property is located the applicant cannot realize a reasonable return from the use of the property for any such permitted use, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) That the alleged hardship has not been self-created.

The burden is on the applicant to show that the restrictions of the zoning law have caused unnecessary hardship by providing proof of each of the four above stated elements. Because the determination is made solely on the basis of information provided to the ZBA, it is to the applicant's benefit to include as much supporting information as possible. Please be sure to answer all questions in detail. You must clearly demonstrate that all of the above stated elements have been met in order to qualify for a use variance, including “competent financial evidence” which means a detailed report by a licensed real estate appraiser or other qualified professional.

Before the application for use variance can be considered complete and ready for submission to the Village 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 a report from a licensed real estate appraiser or other qualified professional.
3. 7 copies of an appropriate Environmental Assessment Form.
4. A check for the required application fee of \$125.00 payable to the ‘Village of Morrisville’.

PLEASE REMOVE THESE INSTRUCTIONS PRIOR TO FILING

VILLAGE OF MORRISVILLE
APPLICATION FOR USE VARIANCE

Village Use Only

(Date Application Filed _____
(
(Date of Hearing _____
(
(Date of Final Action _____
(
(Action _____

Name of Applicant(s) _____

Applicant's Mailing Address _____

Applicant's Phone # _____ Applicant's Email Address _____

Property Owner (if different from Applicant) _____

Location of property where variance is requested: _____

Tax Map # _____ Zoning District Classification of Property _____

Date Property was acquired by applicant: _____

- Current use: Residential - Number of dwelling units _____ ;
 Commercial – Type _____ ;
 Industrial – Type _____ ;
 Accessory building – Describe _____ ;
 Other – Describe _____ .

Proposed use: _____

Please describe in detail the changes you plan to make on the premises (be specific): _____

Please explain how the variance will affect the character of and the health, safety and welfare of the neighborhood: _____

Please explain how the hardship is not self-created: _____

Please explain how the hardship created is unique and does not apply to a substantial portion of the district or neighborhood: _____

Please explain why the requested variance will not alter the essential character of the neighborhood: _____

Please explain how you will be deprived of all economic use or benefit from your property unless it can be used for the purpose you request, which deprivation must be established by competent financial evidence:_____

You may include any additional information which you feel is important and helpful for the ZBA to understand your situation. You may include photographs, topographic maps, statements from neighbors, or any other information (write below or attach to this application):_____

Dated: _____, 20_____.

APPLICANT'S SIGNATURE:

(Individual Signature)

(Corporate, Partnership or LLC Name)

By: _____
(Officer, Partner or Member)

(Mailing Address of Applicant)

(Telephone Number)

Signature of owner who is not the applicant:

The undersigned owner(s) of the above described property hereby acknowledge and consent to the submission of this application.

(Owner's Signature)

Date

(Owner's Signature)

Date

(Owner's Signature)

Date

STATE OF NEW YORK)
COUNTY OF _____) SS:

On the _____ day of _____ in the year _____, before me, the undersigned personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF _____) SS:

On the _____ day of _____ in the year _____, before me, the undersigned personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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Notary Public

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)

(Individual Applicant's Acknowledgment)

STATE OF NEW YORK)
COUNTY OF _____) SS

_____, being duly sworn, deposes and says that he/she is the Applicant in this (Application or Request): that he/she has read the foregoing affidavit and knows the contents thereof; that the same is true to the knowledge of deponent, except as to matters therein stated to be alleged in information and belief, and that as to those matters he believes it to be true.

(Applicant, etc. - signature)

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public

(Corporate Applicant's Acknowledgment)

STATE OF NEW YORK)
COUNTY OF _____) SS

_____, being duly sworn, deposes and says that he/she is the Applicant in this (Application or Request): that he/she has read the foregoing affidavit and knows the contents thereof; that the same is true to the knowledge of deponent, except as to matters therein stated to be alleged in information and belief, and that as to those matters he believes it to be true.

(Applicant, etc. - signature)

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public