

TOWN OF MIDDLESEX

Zoning Board of Appeals Application Requirements

Please review the Zoning Code and any applicable Town laws at:

<https://www.middlesexny.org/code-enforcement/>

Application Checklist:

**All application forms can be found at the above web address.*

- **SIX sets** of a survey map or detailed drawing with North orientation, printed at a minimum 11" x 17", showing all proposed changes and their distances from property lines; roadways and significant geographical features, such as Canandaigua Lake; and lot coverage percentage.
- Zoning Board of Appeals Application
- Short Environmental Assessment Form
- Steep Slope Permit Application, if applicable
(Review the Steep Slope Local Law, including the Permit Application and Review Process, section 707.6.1)
- UDML Permit Application, if applicable
- Letters of support from neighbors (these are not required, however can be helpful to the ZBA in making their determination)
- Application fee of \$75 (make check payable to "Town of Middlesex, NY")

Submit the above documents to the Code Enforcement Office. Printed maps must be delivered in person; all other documents may be submitted either in person or digitally to code@middlesexny.org AND codeclerk@middlesexny.org.

****All submissions are due three weeks prior to the Zoning Board of Appeals meeting date, which is the first Thursday of each month.****

Zoning Board of Appeals Fees

Please note there is a \$75 fee for the initial appearance before the Zoning Board of Appeals, and a \$25 fee for each subsequent appearance.

If granted, each variance will incur the following additional fees:

- ***Area Variance: \$100***
- ***Use Variance: \$200***

For both Area and Use variances to be granted, the ZBA must evaluate specific criteria for each. Please provide written responses to each of the criteria specific to your requested variance type with your application. The criteria are as follows:

AREA VARIANCE

Middlesex Zoning Law, SEC 902.4: The Zoning Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant area variances as defined herein. In making its determination, the Board 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:

- 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;
- Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested variance is substantial;
- Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.

USE VARIANCE

Middlesex Zoning Law, SEC 902.3: The Zoning Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant a use variance, as defined in Art. II of the Local Law. No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that:

- Under applicable zoning regulations the applicant cannot realize a reasonable return or benefit from the property in question, which must be established by competent financial evidence;
- That the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood;
- That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- That the alleged hardship is not self-created;

Town of Middlesex

Code Enforcement Office
1216 Route 245
Middlesex, New York 14507
www.middlesexny.org
585-554-3607, ext. 2

Application # _____

Zoning Board of Appeals Variance Application

Applicant Name: _____

Mailing Address: _____

_____ Zip: _____

Telephone: _____ Email: _____

Property Owner (if different from applicant): _____

Mailing Address: _____

_____ Zip: _____

Address of property where variance is requested: _____

_____ Zip: _____

Tax Map ID#: _____ Zoning Classification: _____

NOTE: *If property is not owned by the applicant, the applicant must submit a statement signed by the property owner, including his/her address and telephone #, authorizing the applicant to appeal on his/her behalf.*

Type of Variance Requested: **AREA** **USE**

Description of Variance Request: _____

FOR CODE ENFORCEMENT OFFICE USE ONLY		
Steep Slope Application Required?	YES	NO
UDML Application Required?	YES	NO
County Planning Board Review Required?	YES	NO
Zoning Board of Appeals Appearance Dates:		
_____ Initial		
_____ Subsequent		
_____ Subsequent		
_____ Subsequent		
Denial based on Town Code section(s): _____		

Reason for Denial: _____		

By signing this application, the applicant / property owner has granted permission for the Zoning Board of Appeals Members / Code Enforcement Officer to make site visits.

_____	_____
Applicant's Signature	Date