

**TOWN OF MIDDLESEX**  
**Zoning Board of Appeals Application Requirements:**  
**Area/Use Variance**

**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 Area/Use Variance Application
- Short Environmental Assessment Form
- UDML Permit Application, if applicable
- Agricultural Data Statement, 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](mailto:code@middlesexny.org) AND [codeclerk@middlesexny.org](mailto:codeclerk@middlesexny.org).

**\*\* The Zoning Board of Appeals meets the first Thursday of each month.  
All submissions are due three weeks prior to that date.\*\***

**Zoning Board of Appeals Fees**

- **Initial Appearance: \$75**
- **Subsequent Appearances: \$25/each**

***If granted, each variance/permit 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, PO Box 147  
Middlesex, New York 14507  
[www.middlesexny.org](http://www.middlesexny.org)  
585-554-3624

ZBA Application # \_\_\_\_\_

## Zoning Board of Appeals Application: Area/Use Variance

**Applicant:** \_\_\_\_\_

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

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

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

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Address:** \_\_\_\_\_

Tax Map ID#: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

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

Is the parcel within 500 feet of a municipal boundary or a state or county park, highway, building or institution?     **Yes**     **No**

**For AREA Variance:** Is the requested variance abutting a municipal boundary or a state or county park, highway, building or institution?     **Yes**     **No**

**For USE Variance:** Is the parcel within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District? (*Refer to Yates County Real Property Agricultural District Map.*)     **Yes**             **No**

***If yes, an Agricultural Data Statement form is required.***



**FOR CODE ENFORCEMENT OFFICE USE ONLY**

Agricultural Data Statement Required? YES NO

UDML Application Required? YES NO

County Planning Board Review Required? YES NO

Date Submitted to County: \_\_\_\_\_ Date of County Review: \_\_\_\_\_

County Determination: \_\_\_\_\_

**I, Alan Pearce, Code Enforcement Officer for the Town of Middlesex, NY, make the following determination regarding the above application or request:**

The request is denied based on Town Code section(s): \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

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

\_\_\_\_\_

*(Signature of Code Enforcement Officer)*

*(Date)*

Zoning Board of Appeals Appearance Date/s:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

*(Initial)*