

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-6143 Fax: 889-8710

www.townofchili.org

Email: krogers@townofchili.org

AREA VARIANCE CHECKLIST:

- Application Fee** - (See Town Fee Schedule for Amount. Fee is Non-Refundable.)
- Pre-Submission Review Conference**- (Call the Building Department to schedule an appointment at least one week before the scheduling deadline. See Zoning Board Schedule for monthly meeting deadline.)
- Application Packet**– Submit **One (1) Original and Seven (7) copies along with an emailed application to the email address above or a PDF copy (if application is for a commercial site variance ALWAYS PDF)**. All items shall be no larger than 8 ½" x 11". However, a survey map no larger than 11" x 17" is permitted.

Contents of Application Packet:

The following shall be attached to all applications, along with the application fee:

- Application Form**– Completed, signed by all property owners, dated and notarized.
- Survey Map of the Property/Plot Plan** (A detailed “to scale” drawing of the proposed project. Identify all existing and proposed structures, lot boundaries and dimensions. For homeowners, this may be a neatly hand drawn sketch on a photocopy of the survey map.)
- Denial Letter** – (You will receive this at the Pre-Submission Review Conference.)

The following are required, if applicable:

- Building Elevations**– (Architectural plans & sketches for projects involving construction, remodeling & signs. Required for both homeowners and commercial projects. Typically not required for residential sheds, decks, fences & porches.)
- Environmental Assessment Form** (Typically not required for homeowners.)
- Engineering/Legal/Consultant Escrows**– (Typically not required for homeowners.)
- Photos of Existing Conditions**– (Not required, but often helpful.)
- Notices of Violation & Stop Work Orders** - (Attach if they exist.)
- Any Other Supporting Documents**

- Post Sign(s) on the Property**-- (Applicants must post at least one sign on the property near the road. Corner lots require 2 signs. Additional signs may be required for lots wider than 500' for an added fee).
 - Signs are obtained from the Building Department.
 - All signs must be posted per Town Code.

- Meet With Your Neighbors**– (While optional, you are encouraged to discuss your proposal with your neighbors before the public hearing. Addressing neighborhood concerns before the public hearing may help expedite the Zoning Board’s decision.)

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-889-6143 Fax: 889-8710

www.townofchili.org

APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name: _____	_____	_____
Address: _____	_____	_____
Tel/Fax: _____ / _____	_____	_____
E-Mail: _____	_____	_____

* **The application must be signed by the Property Owner(s).** Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): _____
- Tax Parcel No.: _____
- Current Zoning District: _____
- Has a previous ZBA application/appeal been filed for this property? Yes? No?
If Yes, then: When: _____ For What: _____
- Is property located within (check all that apply)? Flood Plain Wetlands
- Is there a written violation notice or “stop work order” for this Property Yes No
 If “Yes”, then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? Yes No
- Brief description of the project: (include current and proposed use):

ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500-			
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
--------------	-------------------	---------	---------

Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. **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.

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting 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:

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

4. Will the variance have any adverse physical or environmental effects on neighborhood or district?

The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York

Sworn to before me this

_____ 20 _____

Notary Public

X _____
Property Owner

X _____
Property Owner

X _____
Applicant

X _____
Applicant

STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

**BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT**

APPLICANT: _____ TAX PARCEL No.: _____

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

This applicant has applied to use the identified property within the Town of Chili for the following:

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s) _____.

As such, the following relief would be required to proceed:

- Appeal of My Interpretation
- Use Variance to permit the following: _____

Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-			
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
--------------	-------------------	---------	---------

_____ 20_____
Date

Code Enforcement Officer

CHILI CONSERVATION BOARD

Town of Chili • 3333 Chili Avenue • Rochester, New York 14624 • 585-889-3550



In order to allow the Conservation Board adequate time to review the proposed project and provide recommendations to the Planning Board prior to the Planning Board meeting please submit the following information to the Building Department no later than the Friday preceding the Conservation Board meeting. Please call the Building Department at 889-3550 – ext. 174 if you plan on attending the Conservation Board meeting. All items requested need to be submitted in order for the Board to complete their review. Conservation Board meeting dates are available at <http://townofchili.org>

Project Name _____ Applicant _____ Date _____

Information Necessary for Conservation Board Review of Development Plan

1. Project plans should clearly identify and delineate any wetland, wetland buffer, floodplain, floodway or waterway on parcel to be developed, or presence of any within 100' on any adjoining parcel. Identify resource(s) utilized in this determination.
2. An Agricultural Data Statement should be completed if a project is to consume any land being farmed, land enrolled in an agricultural/conservation program or if the development is to take place within 500' of any parcel included in a NYS Agricultural District. Identify resource(s) utilized in this determination.
3. Include three (3) sets of landscape plans stamped by a New York State Licensed Landscape Architect. Any requests for modifications to a plan approved by the Planning Board shall be submitted in writing to the Building Department for approval prior to implementation. Modifications may require that the revised plan be re-reviewed by the Conservation Board.
4. The final licensed landscape plan should include a plant legend listing species, quantity, and size (minimum of 2.5" diameter at breast height for deciduous trees), (1.5" minimum for most ornamentals). Evergreens are measured by height, with 6' being the minimum. All trees and shrubs to be balled and burlapped (B&B) and should include container size.

- 5.** The plan should show location of all plant material listed and plant material must meet New York State Nurseryman's Standards (NYSNS) and be classified for growing well with Hardiness Zone 5B to 6A.
- 6.** Conservation Board will be recommending that a two (2) year guarantee be provided for full replacement of trees and all plant material and that a best effort should be made to ensure that the size of any replacements is equivalent to the increased size of same species at the time of replanting.
- 7.** The plan should show existing trees (including species) and plant material to be preserved. It should also show trees of 12" Diameter at Breast Height (DBH) or greater that are to be removed.
- 8.** The plan should indicate the location of the area for snow storage or the area where snow will be stored for removal from the site. Conservation Board will be recommending that this area be a safe distance from plantings so salt and plow damage do not occur. Furthermore, the Conservation Board will be recommending that plantings destroyed by plowing be replaced the following growing season.
- 10.** Conservation Board will be recommending that upon completion of construction, topsoil be placed to a minimum depth of 6" on all areas not built upon or excavated/graded for driveway and parking lot use.
- 11.** Supporting documentation must be submitted for project landscaping estimate. Estimated cost must be equal to or exceed 1% of the total project cost. Landscaping cost does not include costs associated with construction of berms, topsoil replacement, final grading, fencing or installation of semi-pervious or impervious surfaces such as stone, brick pavers or asphalt. The estimated cost of the project is to be indicated on the submitted plan.
- 12.** Based on the size of the project, physical limitations of the site and cost of the landscaping the Conservation Board may recommend to the Planning Board that the requirement that the landscape plan be developed by a NYS Licensed Landscape Architect be waived. Furthermore, while considering the details of the project the Conservation Board may recommend to the Planning Board that in-lieu of the development of a landscaping plan that the applicant contributes 1% of the project cost to the Town of Chili tree planting program.
- 13.** Prior to the issuance of a temporary or permanent Certificate of Occupancy, and after the submittal of the "Certificate of Landscaping Compliance" to the Building Department, the applicant shall contact the Building Department to arrange for a site inspection to verify that the plantings were completed in accordance with the approved plan.