

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: <u>Encounter Church of Rochester, Inc. fka N. Chili Community Church, Inc.</u>		<u>Daniel F. Brennan, Esq.</u>
Address: <u>3355 Union St.</u>		
Tel/Fax: <u>585-415-2221 /</u>		
E-Mail: <u>dbrennan@davidsonfink.com</u>		

* **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.): 3355 Union Street
- Tax Parcel No.: 144.08-1-7.121
- Current Zoning District: RM
- 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):
Construction of 41 townhome units on the property. Please see letter of intent for details.

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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:

Yes. Please see letter of intent for complete explanation.

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- 14(D)(4)(b)	Internal road setback	40'	Approximately 30'
500- 41(D)(4)	Sidewalks	Requiring sidewalks	Eliminating sidewalk
500- 14(D)(7)	10%	Up to 10% 3 bedroom	Up to 55% 3 bedroom
500- 14(D)(4)(a)	FRONT SETBACK	75'-0" REQUIRED	40'-0" PROPOSED
500-			
500-			

*See example below:

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

Please see letter of intent.

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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:

Please see letter of intent.

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

Please see letter of intent.

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:

Please see letter of intent.

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:

Please see letter of intent.

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.

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

APPLICANT: 3355 Union St North Chili, NY 14514 TAX PARCEL No.: 144.08-1-7.121

PROPERTY ADDRESS: 3355 Union St.

ZONING DISTRICT: RM-Residential Multiple

This applicant has applied to use the identified property within the Town of Chili for the following:
Proposed Construction of Townhome complex to be known as King's Crossing Phase II on Lot 2 3355
Union St. North Chili, NY 14514 of the Encounter Subdivision.

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

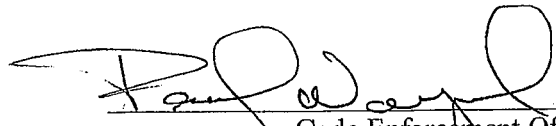
As such, the following relief would be required to proceed:

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

X Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-14 (D) (4)(a)	Front setback	75'-0" required	40'-0" proposed
500-14 (D) (4)(b)	Setback to interior road	40'-0" required	30'-0" proposed
500-14 (D) (7)	More than 10%-3 bedroom	3.6 units allowed (10%)	20 Units-(55%) proposed
500-41-(D)(4)	Sidewalks	Required	Not Provided

January 19, 2022
Date



 Code Enforcement Officer

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

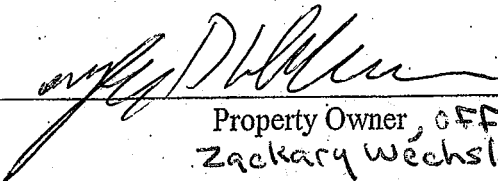
Sworn to before me this

January 24th 2022

Suzanne Camarata

Notary Public
SUZANNE M. CAMARATA #01CA6142208
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Mar. 13, 2022

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

X 
Property Owner, ^{officer}
Zackary Wechsler - pres/senior
Pastor

X _____
Property Owner

X _____
Applicant

X _____
Applicant