

VILLAGE OF DUNDEE

APPLICATION TO THE ZONING BOARD OF APPEALS

**Building and Site Information**

Address of subject property: \_\_\_\_\_

Tax Map # \_\_\_\_\_

Owner(s) Name: \_\_\_\_\_

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

Phone # \_\_\_\_\_

**Previous Appeal:** Has a previous appeal for an interpretation of the Zoning Ordinance, or an area variance been made with regard to any order, requirement, decision, interpretation or determination of the Building and Zoning Inspector with respect to this property? Yes \_\_\_ No \_\_\_

**Type of Appeal:**

\_\_\_ Area Variance      \_\_\_ Use Variance      \_\_\_ Special Permit  
\_\_\_ Bulk Requirements      \_\_\_ Interpretation of the Zoning Ordinance      \_\_\_ Others

**Nature of Work (Check if applicable):**

\_\_\_ New Building      \_\_\_ Addition      \_\_\_ Alteration      \_\_\_ Repair  
\_\_\_ Removal      \_\_\_ Demolition      \_\_\_ Other(s)

**Reason for Appeal:** (If additional space required, please attach a narrative summary.)

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**TO ALL APPLICANTS:** Complete all relevant information by the section or sections pertaining to your appeal ONLY. You may also include extra pages to supplement this form with a narrative explanation. At the time of the hearing, you must present written documentation in support of all the statements made in this application.

Zoning District \_\_\_\_\_ Existing use/occupancy \_\_\_\_\_

Dimension*	Required	Existing	Proposed
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**PRINCIPAL BUILDING**

Lot area, minimum sq. ft. \_\_\_\_\_

Street Frontage \_\_\_\_\_

Total Lot Coverage \_\_\_\_\_

Front yard setback \_\_\_\_\_

Side-yard setback \_\_\_\_\_

Total side-yard \_\_\_\_\_

Rear yard setback \_\_\_\_\_

Building height/Number of stories \_\_\_\_\_

Dimension*	Required	Existing	Proposed
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**ACCESSORY BUILDINGS**

Building height/Number of stories \_\_\_\_\_

Front yard setback \_\_\_\_\_

Side-yard setback \_\_\_\_\_

Rear yard setback \_\_\_\_\_

Total side-yard \_\_\_\_\_

Distance from principal \_\_\_\_\_

Building, Min. Ft. \_\_\_\_\_

**DECLARATION OF APPEAL**

Whereas, the Board of Appeals, on appeal from an order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant area variances from the area or dimensional requirements of the local law;

The meaning of any portion of the text of this local law or of any condition or Requirement specified or made under the provisions of this local law; or  
The exact location of any district boundary shown on the Zoning Map.

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ paragraph subparagraph \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ paragraph subparagraph \_\_\_\_\_

Table of Use & Bulk Requirements, Schedule \_\_\_\_\_ Page \_\_\_\_\_

Therefore, I (We) \_\_\_\_\_ do hereby appeal the order, requirement, decision, interpretation or determination of the Code Enforcement Officer in regard to an application for a Building/Zoning Permit dated \_\_\_\_\_, for the premises known as \_\_\_\_\_ and;

I(We) do hereby request that the Board of Appeals grant a variance from the following provision(s) of the Zoning Ordinance of the Village of Dundee:

I(We) do hereby attest that the variance requested is the minimum variance that will accomplish this purpose; and I(we), understand that in making its determination, the Zoning Board Appeals shall consider the circumstances or conditions which are described herein as applicable under this appeal; and that I (we), as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals as to the following:

“Area Variance” shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

**AREA VARIANCE:** The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**(This section to be completed only for an AREA variance. Use additional pages, if needed.)**

**a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance** (Will the variance create an undesirable change to the character of the neighborhood or be a detriment to nearby properties?)

**Explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance** (Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue, other than an area variance?)

**Explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**c. Whether the requested area variance is substantial.** (Is the variance substantial in relation to the zoning district requirements) **Explain:**

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**d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: and that the effect of any increased population density which may be produced upon available services and facilities is not significant:** (Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district if granted?) **Explain:**

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**e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of an are variance.** (Was the alleged practical difficulty self-created? Will the granting of this variance affect the health, safety, or welfare of the neighborhood or community? Will there be any affect on governmental facilities or services if this variance is granted?) **Explain:**

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f. Other factors I/we wish the Board to consider in this case are: **Explain:**

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**Interpretation.** The Board of Appeals may, on appeal from an order, requirement, decision, determination or interpretation made by administrative official charged with the enforcement of this chapter, or upon referral by any official, board or agency of the Village, decide any of the following questions.

(This section to be completed only for an AREA variance, use additional pages, if needed.)

**Section(s) to be interpreted:**

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**An interpretation of the Zoning Code is requested because:**

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**“Use variance”** shall mean 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.

**USE VARIANCE** – No such variance shall be granted by the Board of Appeals 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 for each and every permitted use under the zoning regulations for the particular district where the property is located:

**(This section to be completed only for a USE Variance. Use additional pages, if needed)**

- a. The property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual “dollars and cents” proof must be submitted):

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- b. That the property is being affected by unique, or at least highly uncommon circumstances and does not apply to a substantial portion of the district or neighborhood because:

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- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood in that:

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d. That the alleged hardship has not been self-created as evidenced by:

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\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Print Name

Attach either a Short Environmental Quality Review or the Full Environmental Quality Review, for further information see visit <https://www.dec.ny.gov/permits/6189.html>