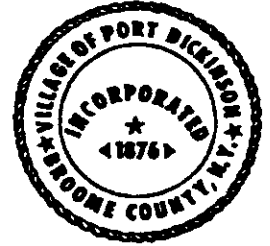


# VILLAGE OF PORT DICKINSON

TRUSTEES:

EDWARD W. CORCORAN  
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ATTORNEY

VILLAGE HALL, 786 CHENANGO STREET  
PORT DICKINSON, N.Y.  
BINGHAMTON, N.Y. 13901  
TELEPHONE (607) 771-8233  
FAX (607) 771-8235  
KEVIN M. BURKE, MAYOR



Dear Applicant,

In order to comply with Section 65-40(B) of the Village Code relating to notifying neighboring property owners **at least ten (10) days before the date of the public hearing** you must:

- (a) Personally deliver the notice to the neighbors, the neighbors should sign the attached form indicating receipt and their signature should be witnessed by the applicant. The applicant must furnish this list to the Zoning Board of Appeals. If the applicant is unable to obtain signatures because the owners are not available, the applicant should comply with (b) or (c) below
- (b) The applicant can mail the notice to all of the property owners on the list and then complete the attached Affidavit of Service by mail. The Affidavit must be furnished to the ZBA with the names and addressed attached.
- (c) The applicant can mail the notices by certified mail to the neighbors and have the Post Office stamp the postmarked date of that mailing on PS Form 3800. It is not necessary to pay for the green return receipt so long as the Post Office stamp is on the PS 3800. The form must be furnished to the ZBA.

Please call the Village Hall with any questions.

Sincerely,

Susan E. Fox  
Village Clerk

RECEIPT OF  
NOTICE OF PUBLIC HEARING

I (we) do hereby acknowledge receipt of the attached notice of public hearing to be held by the Village of Port Dickinson Zoning Board of Appeals.

<u>Date</u>	<u>Signature of Property Owner(s)</u>	<u>Address of Property</u>	<u>Witness to Signature</u>
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AFFIDAVIT OF SERVICE  
BY MAIL OF NOTICE OF HEARING

STATE OF NEW YORK  
COUNTY OF BROOME : ss.:

\_\_\_\_\_, being duly sworn, deposes and says:  
(name of applicant)

1. I am the applicant on an appeal to the Zoning Board of Appeals of the Village of Port Dickinson.

2. That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, which day was no later than 10 days prior to the date of the hearing, I caused to be mailed, pursuant to the provisions of Section 65-40 of the Village Zoning Code, a copy of the notice of hearing which is attached hereto and made a part hereof to each of the property owners of all lots within 200 feet of property referred to in said notice, the names and addresses of said property owners being contained on the list attached hereto and made a part hereof.

\_\_\_\_\_  
Applicant

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Notary Public  
Broome County, New York

My commission expires: \_\_\_\_\_

ZONING: Variance Application Guidelines

VARIANCE APPLICATION PROCEDURE GUIDELINES FOR THE [CITY/VILLAGE/TOWN OF \_\_\_\_]

1. All Applications: Complete the Application for Appeal with as much detail as possible. Make sure to answer *all* relevant questions. Do *not* leave any blanks unless the question is inapplicable. All applications should be accompanied by detailed diagrams showing lot size, adjoining roads, driveways, the location and dimensions of all buildings including building heights and the distance of all buildings from all lot boundaries.

2. Use Variances: A use variance is a variance granted by the Zoning Board of Appeals (ZBA) of the prohibitions against certain uses of real property in a zoning district. A variance, if granted, allows the property owner to use [his/her] property in a certain way *even though* the desired use is otherwise prohibited in the zoning district.

Make sure to answer all questions of subsection [number] of question [number] *in detail*. You must clearly demonstrate to the ZBA that *all five (5)* of the prerequisites of subsection [number] have been met in order to qualify for a use variance, namely:

(a) You will be deprived of *all* economic use or benefit from your property unless it can be used for the purpose you request.

(b) The hardship created is unique and does not apply to a substantial portion of the district or neighborhood.

(c) The variance would not alter the essential character of the neighborhood.

(d) The hardship is not self-created.

(e) The variance is the minimum necessary to grant relief from the hardship.

(f) The variance will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to qualify for a use variance, you must show by "Dollars and cents" proof that the property cannot yield a reasonable return if its use is limited to only those uses permitted in the zoning district. It may be to your benefit to have an appraisal performed to support your claim.

3. Area Variance: An area variance is a variance granted by the ZBA which allows a structure to be built despite the fact that certain square footage, distance or dimensional requirements of the zoning ordinance have not been met. Examples of such requirements are minimum lot size requirements, minimum lot width requirements, maximum lot coverage requirements, front, side and rear yard setback requirements, maximum building height and minimum gross floor area.

Make sure to answer all questions of subsection [number] of question [number] *in detail*. Do not answer question [number] by saying, "I would not be able to build the desired building if the variance is not granted." This is obvious and this type of response *does not* qualify for an area variance. You must clearly demonstrate to the ZBA that:

(a) The requested variance will not produce an undesirable change in the character of the neighborhood.

(b) No substantial detriment will be created to nearby properties.

(c) There was no other feasible method available to you to pursue to achieve the benefit you seek other than the requested variance.

(d) The requested area variance is not substantial.

(e) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(f) The variance is the minimum necessary to grant relief from your difficulty.

In making its determination, the ZBA will take into consideration the benefit to you if the variance is granted as weighed against any detriment to the health, safety and welfare of the neighborhood or community.

**4. Self-Created Hardship:**

a. The ZBA may *not* grant a *use* variance to relieve a hardship created by the applicant, such as purchase of land with actual *or constructive* (should have known - presumed to know the law) knowledge that the desired use is prohibited by the zoning ordinance, even if the landowner *does not have actual knowledge* of the applicable provisions of the ordinance prohibiting the desired use.

b. Although not an absolute bar to an *area* variance request, it is a factor which may be taken into consideration by the ZBA *against* the granting of an area variance.

APPLICATION FOR APPEAL

APPEAL NO. \_\_\_\_\_

DATE \_\_\_\_\_

TO THE ZONING BOARD OF APPEALS, VILLAGE OF PORT DICKINSON, NEW YORK

I (We) \_\_\_\_\_ of \_\_\_\_\_  
 Name of Applicant Street and Number

\_\_\_\_\_, HEREBY APPEAL  
 Municipality State

TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE ENFORCEMENT  
 OFFICER ON APPLICATION FOR BUILDING PERMIT NO. \_\_\_\_\_  
 DATED \_\_\_\_\_, 19\_\_\_\_, WHEREBY THE ENFORCEMENT OFFICER  
 DID DENY

- ( ) A BUILDING PERMIT
- ( ) A PERMIT FOR USE
- ( ) A CERTIFICATE OF OCCUPANCY
- ( ) A SPECIAL PERMIT OR EXTENSION THEREOF

1. \_\_\_\_\_  
 (Location of Property) (Street and Number or other identification)

Tax Map No. \_\_\_\_\_ Use district on zoning map \_\_\_\_\_

IS PROPERTY WITHIN 500 FEET OF: (Circle one opposite each)

- |                                                                             |     |    |
|-----------------------------------------------------------------------------|-----|----|
| (A) Any Village of Port Dickinson Boundary Line?                            | YES | NO |
| (B) Any existing or proposed county or state park or other recreation area? | YES | NO |
| (C) Any existing or proposed county road?                                   | YES | NO |
| (D) Any existing or proposed state road?                                    | YES | NO |
| (E) Any existing or proposed county stream or drainage channel?             | YES | NO |

2. TYPE OF APPEAL. Appeal is made herewith for:

- ( ) An area variance
- ( X ) A use variance
- ( ) An interpretation of the Zoning Ordinance or Zoning Map
- ( ) A Special Permit to the Zoning Ordinance or Zoning Map
- ( ) An extension to a Special Permit

3. PREVIOUS APPEAL. A previous appeal ( ) has  
 ( ) has not

been made with respect to this decision of the Enforcement Officer  
 or with respect to this property.

If so: Such appeal(s) was (were) made in Appeal No. \_\_\_\_\_  
 dated \_\_\_\_\_, 19\_\_\_\_.

4. REASON FOR APPEAL. (Complete relevant blank. Use extra sheet if necessary.)

a. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED because:

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b. A SPECIAL PERMIT IS REQUESTED pursuant to Article \_\_\_\_\_ of the Zoning Ordinance because: \_\_\_\_\_

---

c. EXTENSION TO A SPECIAL PERMIT IS REQUESTED because:

---

d. A USE VARIANCE IS REQUESTED for these reasons:  
(All reasons must be answered)

(1) Under the zoning regulations, I (we) will be deprived of all economic use or benefit from the property in question because: \_\_\_\_\_

---

(2) The hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood because: \_\_\_\_\_

---

(3) The variance will not alter the essential character of the neighborhood because: \_\_\_\_\_

---

e. AN AREA VARIANCE IS REQUESTED for these reasons:

(1) If the variance is granted, the applicant will have the following benefit: \_\_\_\_\_

---

(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties, because: \_\_\_\_\_

---

(3) The applicant cannot attain the benefit of having the variance by any other method because: \_\_\_\_\_

---

- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: \_\_\_\_\_

5. PUBLICATION EXPENSE. I (We), the undersigned, understand that a public hearing is required to be held on this request and that notice of such hearing will be advertised in the official Village paper as prescribed by law. I (We) agree to pay the cost of advertising the hearing and any other reasonable expenses billed by the official newspaper and/or by the Village of Port Dickinson.
6. SECTION 809 CERTIFICATION. In accordance with Section 809 of the General Municipal Law of the State of New York, the undersigned certifies in submitting this application that no officer or employee of the State of New York or the County of Broome or Village of Port Dickinson is interested in granting said application:

It is understood that:

- (1) A person is "interested" in such an application when he or his spouse or their brothers, sisters, parents, children, grandchildren or spouse of any of them
- (a) is the applicant, or
  - (b) is an officer, director, partner or employee of the applicant, or
  - (c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.
- (2) Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- (3) Any person who knowingly and intentionally violates the provisions of Section 809 of said General Municipal Law shall be guilty of a misdemeanor.

(NOTE: If in any case the applicant cannot make the foregoing certification, the applicant shall so state and shall furnish with the application a signed statement which sets forth in detail the reason therefor.)

The foregoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

\_\_\_\_\_  
Applicant

Phone No. \_\_\_\_\_

SRB(C:FMUN)PD-APPA