

**TOWN OF CLARKSON - ZONING BOARD OF APPEALS APPLICATION**

3710 Lake Road, PO Box 858, Clarkson, NY 14430

Tel: 585-637-1145

Email: [Buildingcoordinator@clarksonny.org](mailto:Buildingcoordinator@clarksonny.org)

**FOR OFFICE USE ONLY:**

Application #	Date Submitted	Fee Paid w/Application
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Applicant(s) Name	Tel. #	Email Address
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Applicant(s) Address	City/Town/State	Zip Code
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Project Name

Project Location

The applicant(s) hereby applies for:	Fee:	Pages:
( ) Special Permit for <b><u>Customary Home Occupation</u></b>	\$150	1,2,3,4,9
( ) Special Permit for a <b><u>Permanent Sign</u></b>	\$150	1,2,3,5,9
( ) Request for the <b><u>Replacement of a Permanent Sign</u></b>	-0-	1,2,3,5,9
( ) Request for an <b><u>Area Variance</u></b>	\$150	1,2,3,6,9
( ) Request for a <b><u>Use Variance</u></b>	\$350	1,2,3,7,9
( ) Request for an <b><u>Appeal Variance</u></b>	\$150	1,2,3,8,9
( ) Special Use Permit for <b><u>Telecommunications Tower</u></b>	\$150	1,2,3,9 **

**\*\*Applicant must adhere to specifics per Section 140-16.1 of Clarkson Town Code.**

**PLEASE NOTE:** The criteria for the ZBA to consider an **Area Variance** or a **Use Variance** are very different. It is recommended that you seek independent legal counsel in completing the application. Town personnel cannot give you legal advice.

**INSTRUCTIONS:**

1. Type or clearly print all required information and include appropriate signatures.
2. Submit the original and seven (7) copies of this application with all background data.
3. Due date – two (2) weeks prior to the next scheduled meeting date.
4. ZBA meets on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month at 7:00 pm at the Clarkson Town Hall, 3710 Lake Road, Clarkson, New York.
5. Any questions, contact: Building Department Clerk  
Phone: 585-637-1145  
[buildingcoordinator@clarksonny.org](mailto:buildingcoordinator@clarksonny.org)

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**FOR ALL APPLICATIONS**

PROPERTY OWNER(S) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_

Town of Clarkson, Monroe County, New York

TAX MAP PARCEL #(s) \_\_\_\_\_

PARCEL ACREAGE AND DIMENSIONS \_\_\_\_\_

CURRENT ZONING \_\_\_\_\_

PRESENT USE OF PROPERTY \_\_\_\_\_

**Attention**

**Any fee or disbursements incurred on behalf of the Applicant(s) through professional services provided by the Town Engineer, Town Attorney, Zoning Consultant, and Legal Publications must be paid by the Applicant upon final approval by the Zoning Board of Appeals.**

**I have read and fully understand the above and agree to the contents.**

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

\_\_\_\_\_  
**Dated**

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

\_\_\_\_\_  
**Dated**

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**DESIGN PROFESSIONALS**

The following design professionals or attorneys may be involved with this project. Please indicate the lead professional with an asterisk (\*).

_____ Company Name	_____ Company Name
_____ Address	_____ Address
_____ City                      State                      Zip	_____ City                      State                      Zip
_____ Profession	_____ Profession
_____ Contact Name	_____ Contact Name
_____ Telephone #                      Fax #	_____ Telephone #                      Fax #
_____ Email Address	_____ Email Address

**CERTIFICATION OF STATEMENTS**

The applicant(s) hereby states that (he/she/they) (is/are) the title owner(s) of the property or (has/have) been authorized by the title owner(s) to make this application, and affirm(s) that the above information is accurate and complete, to the best of (his/her) knowledge and information.

_____ Applicant Signature	_____ Applicant Signature
_____ Applicant Name Printed/Typed	_____ Applicant Name Printed/Typed
_____ Mailing Address	_____ Mailing Address
_____ City                      State                      Zip	_____ City                      State                      Zip
_____ Telephone #                      Fax #	_____ Telephone #                      Fax #
_____ Email Address	_____ Email Address

(I/We) hereby certify that (I/We) (am/are) title owner(s) of the property identified in the above application and that the applicant(s) named above (is/are) authorized to make the application described herein.

_____ Property Owner's Signature	_____ Property Owner's Signature
_____ Print Name	_____ Print Name

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**For a Special Permit for CUSTOMARY HOME OCCUPATION - Fee: \$150**

**NOTE:** Clarkson Town Code’s Definition per §140-3 (A & B) for a CHO is as follows:

- A. An occupation or a profession which meets all of the following requirements:
  - (1) It is carried on wholly within the enclosed walls of a dwelling.
  - (2) It is carried on by a member of the family residing in the dwelling.
  - (3) It is clearly incidental and secondary to the use of the dwelling for residential purposes.
  - (4) It employs not more than one person outside the family.
  - (5) It does not occupy more than 25% of the floor area.
  - (6) It employs no exterior display, except a sign not to exceed two square feet, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the building.
  - (7) It produces no offensive noise, vibration, smoke, dust, odor, heat or glare.
- B. Repair of gasoline or diesel engines or motors, which are not owned by one of the residents of the property for his own use, is expressly excluded.

**1. Property Owner(s):** \_\_\_\_\_

**2. Property Address:** \_\_\_\_\_

**3. Sq. Ft. Of House:** \_\_\_\_\_ **Sq. Ft. Needed For CHO:** \_\_\_\_\_

**4. Area Of House Intended To Be Used For CHO:** \_\_\_\_\_

**5. Describe your proposal for the CHO:**

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

**6. Describe the parking and egress at the property:**

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

**NOTE:** Please provide maps, diagrams, drawings, photographs with this application.

**NOTE:** Building Permit fees do not apply to a Customary Home Occupation. A two (2) sq.ft. sign is allowed by code after a Special Permit for the CHO is granted.

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**For a Special Permit for a PERMANENT SIGN - Fee: \$150**

Upon approval of the Special Permit by the ZBA, applicant is required to submit a Building Permit application to the Building Department for the approved sign.

Building Permit fee: \$10 per sq.ft. / min. fee: \$40 for a sign >6 sq.ft. but < 40 sq.ft.

**Request for a REPLACEMENT SIGN - Fee: \$0**

When it can be established that an existing sign has been permitted, and a new sign is proposed in its place, the ZBA requests the applicant to complete a sign permit application (including location of sign on instrument survey or tape location map). If the ZBA determines that the new sign is virtually identical with respect to size, location, illumination, etc. ("apples to apples") then no new fee or public hearing would be required. If it is significantly different, then it would be treated as a new sign permit and the application fee and public hearing would be required.

1. **Address For The Sign:** \_\_\_\_\_

2. **Owner Of The Property:** \_\_\_\_\_

3. **Owner's Address:** \_\_\_\_\_

4. **Description Of Premises** (provide a copy of the Instrument Survey Map showing the proposed location of sign):

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

5. **Description & Dimension Of Sign** (include a scale drawing & structure materials):

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

6. **Name, Address & Telephone Number Of Person Responsible For Maintenance And/Or Removal Of The Sign:**

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

**NOTE:** If it is your intent to place the sign within the right-of-way of a State highway, permission must be obtained from NYS. Please attach the letter granting permission.

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**Request for an AREA VARIANCE - Fee: \$150**

**Definition of "Area Variance":** The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations. [Clarkson Town Code §140-44 B]

**PROVISION OF CODE APPEALED - note Code Section/Subsection:** \_\_\_\_\_

If you applied for a similar variance for this property in the past, please note the following:

DATE: \_\_\_\_\_ RESULT: \_\_\_\_\_

**NOTE:** According to N.Y.S. Town Law Section 267-B (3) (b) "In making its determination [for an area variance], the zoning board of appeals 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" the following ... address **each one** in detail:

1. What benefit will be derived by the applicant who is seeking this variance?

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

2. What undesirable changes will be produced in the character of the neighborhood by the granting of the area variance?

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

3. What other methods does the applicant have to achieve the benefit other than the area variance?

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

4. Is the requested area variance substantial?

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

5. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

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

6. Was the alleged difficulty self-created? Note: If the difficulty was self-created, it is relevant to the decision of the ZBA, but does not necessarily preclude the granting of an area variance.

\_\_\_\_\_  
\_\_\_\_\_  
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**Request for a USE VARIANCE - Fee: \$350**

**Definition of "Use Variance":** 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. [Clarkson Town Code §140-44 B]

**PROVISION OF CODE APPEALED - note Code Section/Subsection:** \_\_\_\_\_

If you applied for a similar variance for this property in the past, please note the following:

DATE: \_\_\_\_\_ RESULT: \_\_\_\_\_

**NOTE:** According to N.Y.S. Town Law Section 267-B (2) (b) "No such [use] variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship." Address **each one** in detail:

1. For each and every use permitted under the Clarkson Zoning Code in the present zone, why can't the applicant realize a reasonable rate of return? Note that this must be demonstrated by competent financial evidence.

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2. Why is the alleged hardship unique to the property in question; and why does the alleged hardship not apply to a substantial portion of the zoning district or neighborhood in which the property is located.

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3. Why won't the variance, if granted, alter the essential character of the neighborhood?

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4. Is the alleged hardship self-created? If no, please explain. If yes, the ZBA must deny the variance.

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**Request for an APPEAL VARIANCE**

**FROM DECISIONS OR INTERPRETATIONS - Fee: \$150**

**NOTE:** Per Clarkson Town Code §94-51 A, "Where there are practical difficulties or unnecessary hardships, the Zoning Board of Appeals may hear and decide appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter. Such appeals shall be in accordance with the provisions of §267 of the Town Law of the State of New York."

Further, per Clarkson Town Code §140-25 F, "Decisions of the Architectural Review Board may be appealed to the ZBA in the form of a variance. Variances by the Board of Appeals may be granted only upon findings of fact contrary to those of the Architectural Review Board."

1. Please note the specific Code Section/Subsection appealed:

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2. Name of administrative official or board rendering the decision:

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3. Please explain the background to the current situation:

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4. Please explain your understanding of the decision or determination made by the administrative official or board:

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5. Please explain why you are appealing the order, requirement, decision/interpretation, or determination:

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**NOTE TO APPLICANT: Please read and check the appropriate box below**

**GENERAL MUNICIPAL LAW NY Code – Section 809: Disclosure in Certain Applications**

- 1) Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
  
- 2) For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the 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.
  
- 3) In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law.
  
- 4) 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.
  
- 5) A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

**Yes, this code applies to me and I understand the code.**

**No, this code does not apply to me.**

**Sign Name:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_