



Town of Gates

1605 Buffalo Road
Rochester, NY 14624
585-247-6100

Supervisor
Cosmo A. Giunta

Director of Public Works
Kurt Rappazzo

Town Council

Lee A. Cordero
Christopher B. DiPonzio
Andrew Loughlin
Steve Tucciarello

Zoning Variance - Application Instructions

Please include **14 copies** of whatever you wish to submit with your Zoning Board Application (i.e. map, diagram, letter of intent, financial records for proof of hardship, etc.). **Refer to the following page for information that needs to be addressed in the documentation that is submitted with your application.**

PLEASE DO NOT MAKE COPIES OF ACTUAL APPLICATION.

Upon submitting the applications, we will furnish a sign which you must post on the property for **15 days** prior to the Zoning Board of Appeals meeting. If for any reason the sign is destroyed or lost, please call the building department at once and we will provide you a new one. If anyone of the Zoning Board members during the 15 days does not see said sign posted on the property, your case will not be heard.

DO NOT FILL IN BOTTOM HALF OF APPLICATION EXCEPT FOR NAME, ADDRESS AND PHONE NUMBER.

As a reminder, we will send you a letter one week prior to the scheduled meeting.

Please contact **Diane Zavaglia**, at **585-247-6100 ext. 243**, if you have further questions.

Use Variances

**Provide documentation that addresses the information below*

- A. The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- 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. 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,**
 - 1. **the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; ***
 - 2. **that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood*;**
 - 3. **that the requested use variance, if granted, will not alter the essential character of the neighborhood*;** and
 - 4. **that the alleged hardship has not been self-created.***
- C. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Area Variances

**You must provide documentation that addresses the information below*

- A. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- B. **In making its determination, 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:**
 - 1. **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*;**
 - 2. **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance*;**
 - 3. **whether the requested area variance is substantial*;**
 - 4. **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district*;** and
 - 5. **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 the area variance. ***
- C. 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.