

Town of Little Valley
Zoning Board of Appeals
201 Third St.
Little Valley, NY 14755

Variance Application

Site address: _____

Property Owner(s): _____

Mailing address (if different from site address) _____

Phone Number _____ Tax Map Number: _____

Type of Appeal

- ☐ Appeal from an order, requirement decision, or determination of the Building Code Official
☐ Variance from the provisions of the zoning ordinance.
☐ Other, please specify: _____

Provision(s) of the Ordinance being appealed (cite specific article, section and subsection of Town of Little Valley Zoning Ordinance). Town Code can be reviewed during office hours at the Town Hall or online at www.ecode360.com

As the applicant/Owner, I certify that all information contained within this application is accurate to the best of my knowledge and I understand that my application fee is non-refundable. As applicant/owner, I understand that I may be responsible for the payment of all other costs incurred. Such costs could include, but are not limited to, the following: Advertising, attorney fees, office supplies, telephone calls, postage, mileage, engineering or site review fees, etc.

Owner(s) Signature

Variance Application Fee \$100.00

PAID

RECEIVED

PER LITTLE VALLEY TOWN LAW §140-36

C. Variances. The Board of Appeals may issue a variance for any use of structure or area in the Town of Little Valley, provided such variance complies with the general standards set forth in this section and with the special requirements enumerated elsewhere herein. Application for variances shall be made to the Board of Appeals through the Code Enforcement Officer and shall be accompanied by all material needed to verify the claim.¹²¹

(1) General standards. Each case must be determined on its own merit. Among the criteria for determining whether practical difficulties and unnecessary hardship exist are:

(a) The property owner can secure no reasonable return from, or make no reasonable use of his property, due to the provisions of this chapter.

(b) Hardship results from the application of this chapter to some property.

(c) Hardship is not the result of one's own actions.

(d) Hardship is suffered merely by one property directly and not by the others.

(e) The hardship is peculiar only to the property of the applicant.

(f) The authorization of the variance will not alter the essential character of the locality.

(2) Criteria for establishing practical difficulties includes, but is not limited to:

(a) How substantial the variation is in relation to the requirement.

(b) The effect of any increased population density on available government facilities.

(c) Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties created.

(d) Whether the difficulty can be eliminated by some other method feasible for the applicant to pursue.

(e) Considering all factors, the interest of justice will be served.

(3) In addition to the above criteria, variances in the F-F and F-W require the following criteria:

(a) The danger that materials may be swept on to other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(k) The expected heights, velocity duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges;

(m) Upon consideration of the factors of § **140-36C** and the purposes of this chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapters;

(n) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

(4) Additional conditions for variances include:

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one acre in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § **140-36C(3)(a)** through (l) have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

(b) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.