

NOTICE OF RIGHT TO APPEAL

VILLAGE OF CUBA VILLEGE ZONING CHAPTER 200

MEETINGS ARE HELD THE FOURTH TUESDAY OF EVERY MONTH

VARIANCES

ALL VARIANCES REQUIRE A PUBLIC HEARING, THEREFORE, THIS HEARING HAS TO BE PUBLISHED IN THE DESIGNATED PUBLICATION(S) OF CUBA VILLAGE FIVE DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING. AS A RESULT VARIANCE APPEALS SHOULD BE SUBMITTED TO THE VILLAGE CLERK NO LATER THAN THE SECOND WEDNESDAY OF THE MONTH BY 4:00 P.M. FOR PUBLICATION. THIS WILL ALSO GIVE THE ZONING OFFICER TIME TO REVIEW AND SUBMIT THE VARIANCE TO THE APPEALS BOARD BY THE FRIDAY PRIOR TO THE HEARING

NO EXCEPTIONS!

DATE RECEIVED _____

RECEIVED BY _____

NOTICE OF RIGHT TO APPEAL

Village of Cuba Village Zoning

Chapter 200

NOTICE OF RIGHT TO APPEAL

Village of Cuba Village Zoning
Chapter 200

Any person aggrieved or an officer, department or board of the village may file an appeal of any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this chapter. Board of Appeals procedures 200-18 (C) & 200-19 (A) explain the Right to Appeal.

A copy of the complete code sections and appropriate forms for filing an appeal are available from the Village Clerk, 17 East Main Street, Cuba, New York 14727.

200-18 C. Board of Appeals procedures.

Hearing appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this chapter. Such Board shall have the authority to call upon any department, agency or employee of the village for such assistance as shall be deemed necessary and shall be authorized by the Village Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of not less than three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved or by an officer, department or board of the village.

200-19 A. Permitted action by Board of Appeals.

Interpretations, requirements, decisions and determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such chapter and to that end shall have all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken.

Received and Reviewed

(signature)

(date)

CONTENTS

2. Application of appeal to the Zoning Board of Appeals.
3. Procedures.
4. Use variance criteria.
5. Area variance criteria.
6. Additional Public Notice 200-18 G.
7. SEQQR Short Environmental Assessment Form.

APPLICATION OF APPEAL TO THE CUBA VILLAGE ZONING BOARD OF APPEALS
17 East Main Street
Cuba, New York 14727
716-968-1560

APPLICANT

FOR OFFICE USE ONLY

Name

Address (town, state, zip)

Phone

Appeal number _____

Date _____

Fee _____ Date paid _____

Received by _____

Public Notice Date _____

Hearing Date _____

Action & Date _____

Recorded by _____

~~~~~  
*I* \_\_\_\_\_ hereby appeal to the  
(Print Name)

Zoning Board of Appeals for: check appropriate box (es)

A Use Variance

An Area Variance.

A Hearing & Decision, and/or A Review of:

An Order

A Requirement

A Decision

An Interpretation

A Determination

made by an administrative official charged with the enforcement of the Village of Cuba Village Code Zoning chapter 200.

Details of my appeal are on the following pages. I have received, reviewed, signed and dated the Notice of Right to Appeal.

\_\_\_\_\_  
(applicant's signature)

\_\_\_\_\_  
(date)

## PROCEDURE

1. Obtain the application form from the Village Clerk at the Village office.
2. Complete the form:
  - Include Article and Section requesting variance or interpretation.
  - Write a letter of intent. (What you plan to do).
3. Submit to the Village Clerk copies of the following:
  - Completed application Form (incomplete forms will not be accepted). Six (6) copies
  - Letter of intent. Six (6) copies.
  - Request and all material and information submitted to Zoning Inspector or Planning Board. Two (2) copies.
  - Submit SEQR short form.
4. You will receive in writing the date, time, and location of the hearing, and a request for more information if necessary. (Allow up to 30 days for hearing date.)
5. At the hearing you will have the opportunity to state your case. The public has the same opportunity to state why it is opposed to in favor of the requested variance.
6. The ZBA will decide the disposition of the request within 62 days of the hearing and notify applicant, Zoning Enforcement Officer, Village Board, and Planning/Zoning Board of its findings and decisions.

If you have questions, please contact the Village Code Enforcement Officer at 585-968-0162 (office), 585-968-1557 (home). The Village Office address is 17 E. Main St., Cuba, NY 14727. Phone 585-968-1560.

# CUBA VILLAGE AREA VARIANCE

NUMBER \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

PARCEL ADDRESS \_\_\_\_\_

The 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 whether:

- (a) 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;
- (b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) The requested area variance is substantial;
- (d) The proposed variance will have an averse effect or impact on the physical or environmental conditions in the neighborhood or zone district; and
- (e) 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.

*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.*

PLEASE USE ADDITIONAL PAPER FOR DETAIL

# CUBA VILLAGE USE VARIANCE

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

NAME \_\_\_\_\_

PARCEL ADDRESS \_\_\_\_\_

A use variance shall not be granted by the Cuba Village 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:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the zone district or neighborhood;
- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood,
- (d) The alleged hardship has not been self-created, and
- (e) Is a special permit use involved?

*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.*

PLEASE USE ADDITIONAL PAPER FOR DETAIL

**200-18 G. Additional public notice.**

The applicant shall place one (1) sign on the property for which an appeal is requested. Said sign shall be provided by the village at the time the appeal is filed. The sign shall be placed in a location which is easily read from a public street. The sign shall specify the date, time and place of the public hearing and a telephone number to call for more specific information. Such sign shall be placed on the site not less than five (5) days prior to the public hearing and shall be brought to the hearing by the applicant or his/her designated representative. This sign is available from the Village Clerk.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

|                                                                                                                                                                                                                                                                                                            |  |                 |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------|--|
| 1. APPLICANT /SPONSOR                                                                                                                                                                                                                                                                                      |  | 2. PROJECT NAME |  |
| 3. PROJECT LOCATION:<br>Municipality _____ County _____                                                                                                                                                                                                                                                    |  |                 |  |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)                                                                                                                                                                                                     |  |                 |  |
| 5. IS PROPOSED ACTION:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration                                                                                                                                                                 |  |                 |  |
| 6. DESCRIBE PROJECT BRIEFLY:                                                                                                                                                                                                                                                                               |  |                 |  |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially _____ acres    Ultimately _____ acres                                                                                                                                                                                                                             |  |                 |  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly                                                                                                                        |  |                 |  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other<br>Describe: _____ |  |                 |  |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals                                                          |  |                 |  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency name and permit/approval                                                                                                                   |  |                 |  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                         |  |                 |  |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE                                                                                                                                                                                                                          |  |                 |  |
| Applicant/sponsor name: _____                                                                                                                                                                                                                                                                              |  | Date: _____     |  |
| Signature: _____                                                                                                                                                                                                                                                                                           |  |                 |  |

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER

1

page 7