

APPLICATION PROCEDURES: ZONING BOARD OF APPEALS

Village of Honeoye Falls
5 East St.
Honeoye Falls, NY 14472

The Zoning Board of Appeals meets on the fourth Monday of each month (as needed) at 7:30 PM.

Requirements for all applications:

1. Application must be signed by the Owner of the property, even when the application is sought by a lessee or authorized agent.
2. An instrument survey map or tape location map must be part of the application to show existing and proposed structures.
3. Completed application must be submitted four weeks in advance of any meeting.
4. Fee paid at time of application.
5. The applicant shall obtain a sign from the Village Office to be posted on the subject property for a period of not less than 10 days immediately preceding the hearing.

If the property involved is within 500 feet of a Village boundary, or an existing or proposed County or State Park and recreation area or road, or within 500 feet of a stream of drainage channel owned by the County or for which the County has established channel lines, or within 500 feet of lands owned by the State or County on which a public building is situate, the application should be referred to the County Planning Council prior to final action.

Final determination shall be made within 62 days after public hearing.

STANDARDS FOR REVIEW

USE AND AREA VARIANCES

For every such variance in the strict application of any provision of this chapter, the Board of Appeals shall determine that:

- A. Strict application of the chapter would cause practical difficulties or unnecessary hardships which, under the circumstances, would deprive the applicant of the reasonable use of such land or buildings.
- B. Such practical difficulties or unnecessary hardships are unique and are not shared by all properties in the vicinity.
- C. Such practical difficulties or unnecessary hardships are not self-imposed.
- D. Such variance is the minimum variance that will relieve such practical difficulties or unnecessary hardships.
- E. Such variance is in the spirit of the general purposes and intent of this chapter as stated in § 190-2.
- F. Such variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood or district, the conservation of property values in the vicinity and the guidance of building development in accordance with the Comprehensive Plan.
- G. Such variance does not involve substantial detriment to the public welfare, nor substantially impair the intent and purpose of the zone plan and of this chapter.

SPECIAL EXCEPTION USES

For every such special exception use, the Board of Appeals shall determine that:

- A. Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in § 190-2.
- B. The plot area is sufficient, appropriate and adequate for the use and reasonably anticipated operation and expansion thereof.
- C. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.
- D. The site is particularly suitable for the location of such use in the community.
- E. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.
- F. The proposed use, particularly in the case of controlled industry, conforms to the chapter definition of the special exception use where such definition exists or with the generally accepted definition of such use where it does not exist in the chapter.
- G. Access facilities are adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion; and further that vehicular entrances and exists shall be clearly visible from the street and not within 75 feet of the intersection, except under unusual circumstances.
- H. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.
- I. There are off-street parking and truck loading spaces at least in number required by the provisions of § 190-80, but in any case adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further that the layout of the spaces and driveways is convenient and conducive to safe operation.
- J. Adequate buffer yards and screening are provided where necessary to provide adjacent properties and land uses.
- K. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

- L. The site development plan shall be compatible with the distribution of soil characteristics on the site and their implications for such development.**
- M. Consideration has been given to preserving signification trees and natural features in the vicinity.**
- N. The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses below: (see § 190-135)**
 - Animal hospitals and animal boarding**
 - Auditoriums and meeting halls**
 - Automobile laundries**
 - Bus passenger shelters**
 - Filling stations**
 - Membership clubs, nonprofit**
 - Motels and hotels**
 - Nursery schools**
 - Nursing homes; rest homes**
 - Parking garages and storage garages**
 - Philanthropic, fraternal or social organization offices or meeting rooms**
 - Planned industrial parks**
 - Truck transfer stations**
 - Repair garages**