



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue, Elmira, NY 14904

Variance Procedure

Variance procedure requires a Public Hearing to be held. Procedure on what you will need to do for the Public Hearing will be provided to you. The Town will also post a sign on the variance property stating the date and time of the Public Hearing. It will take at least two meetings before you will have the Board of Appeals decision. There is no guarantee your variance will be granted. If your Variance is granted, you may also be required to go before the Planning Board for Site Plan Review. Code Enforcement will provide you with all information needed.

If the Variance application is approved, a Building Permit is required for any construction, renovations, or alterations. ALL commercial projects will require prints signed by a Licensed Architect or Engineer. ALL other projects costing \$20,000 and over will require prints signed by a Licensed Architect or Engineer. Discuss your project fully with the Code Enforcement Officer.

1. Write a detailed letter to the **Board of Appeals** explaining your request. Include answers to all required Questions.
2. Fill out and sign the attached State Environmental Assessment (SEQR) form.
3. Read, sign and date the Acknowledgement Sheet.
4. Submit a property survey performed by a Licensed Surveyor depicting all Bulk & Density requirements and actual dimensions. Major projects will require full Site Plan drawings. Discuss with Code Enforcement Officer.
5. If you do not own the property, provide a letter from the Owner giving you permission for your project. If you are buying the property, provide copy of purchase offer agreement (cost may be redacted).
6. Application fee: **\$100.00 Residential** **\$150 Commercial** Make check payable to "Town of Southport".

Submit all paperwork to our office 10 days prior to the Board of Appeals meeting _____

(Incomplete Applications will not be heard. Late Applications will be put on the next Agenda.)

First meeting _____ Wednesday at 7:00 PM at the Town Hall.

(You or your representative must attend all meetings.)

****Some applications may need to be referred to the Chemung County Planning Board****

I/we hereby certify that I/we have read the instructions and received a copy. I/we understand that a provision of laws and ordinances covering this application will be complied with whether specified or not. Instructions specified here do not presume to give authority to violate or cancel provisions of any other law or local law regulating this application and/or construction or performance of construction relating to this application. I/we understand that I/we cannot operate or start the project applied for herein until such time as the Town of Southport grants approval and all necessary permits are secured.

Applicant signature _____ Date _____

Address _____

Phone _____ Email address _____

Use Variances

- A. The Zoning Board of Appeals, on an appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant Use Variances as defined herein.
- B. No Use Variance shall be granted by the Zoning Board of Appeals without a showing by the Applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate *all* of the following facts in writing to the Zoning Board of Appeals *for each and every permitted use* under the zoning regulations for the particular district in which the lot is located:
- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence;
 - (2) The alleged hardship relating to the lot in question is unique and does not apply to a substantial portion of the District or neighborhood in which the lot is located;
 - (3) The requested use variance, if granted, will not alter the essential character of the district neighborhood in which a lot is located; and
 - (4) The alleged hardship is not self-created.
- If *any one or more* of the above factors is not proven, State law requires that the ZBA must deny the variance
- C. The Zoning Board of Appeals, in granting a use variance, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship or balance proven by the applicant and at the same time preserve and protect the character of the neighborhood and health, safety and general welfare of the community.

ACKNOWLEDGEMENT

The above information explains what the Board of Appeals will be considering on a Use Variance application.

I acknowledge receiving a copy of this explanation sheet and that it is my responsibility to provide written proof in response to the required questions 10 days prior to the Public Hearing and discuss with the Board of Appeals how my application for a Use Variance complies with all of the issues listed above. I understand that a Public Hearing will not be scheduled without all required information submitted.

Applicant Signature

Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		