



\_\_\_\_\_  
\_\_\_\_\_

(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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

A-2  USE VARIANCE (Items 1-4 below must be completed)

(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 \_\_\_\_\_

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(3) That the requested Use Variance, if granted, will not alter the essential character of the neighborhood \_\_\_\_\_

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(4) That the alleged hardship has not been self-created \_\_\_\_\_

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B. A SPECIAL USE PERMIT is requested for (type of use) \_\_\_\_\_  
\_\_\_\_\_ pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the  
Zoning Ordinance because:

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C. EXTENSION OF SPECIAL USE PERMIT is requested because:

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D. INTERPRETATION is requested of Article \_\_\_\_\_, Section \_\_\_\_, Subsection \_\_\_\_ of the Zoning Ordinance to allow:

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E. OTHER (check one)

- Temporary Permit
- Extension to a Temporary Permit
- Certificate of Occupancy
- Temporary Certificate of Occupancy

Is requested because: \_\_\_\_\_

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7. PREVIOUS APPEAL. A previous appeal  has  has not been made with respect to this decision of the Building & Zoning Officer or with respect to this property. Such appeal(s) was/were in the form of :

- Area Variance
- Use Variance
- Special Use Permit
- Requested Interpretation of Occupancy
- Temporary Permit
- Certificate of Occupancy
- Temporary Certificate

8. Upon information and belief, the names and addresses of additional owners of land located within 200 feet of exterior boundaries of subject property are:

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9. Location of the subject property: Yes No
- Is located within 500 ft. of boundary line of Town of Fabius \_\_\_\_\_
- Is located within 500 ft. of boundary line of Village of Fabius \_\_\_\_\_
- Is located within 500 ft. of boundary of any existing or proposed county or state park or other recreation area; county or state parkway, thruway, expressway, road or highway; right-of-way of any stream or drainage channel owned by county or for which the county has established channel lines; county or state owned lands on which a public building or institution is situated \_\_\_\_\_

10. Upon information and belief, the owner's names, addresses, zoning and use of all adjoining property are (adjoining property includes across the road within 600 ft)

	<u>Name</u>	<u>Address</u>	<u>Zoning</u>	<u>Present Use</u>
North	_____			
	_____			
	_____			
East	_____			
	_____			
	_____			
South	_____			
	_____			
	_____			
West	_____			
	_____			
	_____			

11. Mandatory Exhibits: Hearing will not be scheduled without these exhibits:  
 Attached hereto and made a part hereof are:
- a. The legal description of the subject property, marked as Exhibit "1"

- b. An up-to-date survey or scaled drawing of the subject property showing all dimensions and location and setbacks of all buildings and structures thereon, marked as Exhibit "2" (survey required for area variances).
12. Applicant hereby acknowledges that the burden of proof is upon him to prove his entitlement to the relief sought according to the applicable Standards of Proof and further understands that the Zoning Board of Appeals is powerless to grant the relief sought unless the Applicant satisfies the Standards of Proof.
13. The Applicant has read and is familiar with the provisions of the General Municipal Law Section 809 which states:
- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the Applicant) to the extent known to such Applicant.
  - B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren or the spouse of any of them
    - (1) is the Applicant, or
    - (2) is an officer, director, partner or employee of the Applicant, or
    - (3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association Applicant, or
    - (4) is a party to an agreement with such an Applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

- C. Ownership of less than 5 % of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purpose of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

14. No Town of Fabius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application, except that

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INDIVIDUAL VERIFICATION

STATE OF NEW YORK )  
 COUNTY OF ONONDAGA) ss:

\_\_\_\_\_ being duly sworn, deposes and says that he/she is the (Applicant/Petitioner) in this (Application/Petition); that he/she has read the foregoing instrument and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he/she believes it to be true.

\_\_\_\_\_  
 Applicant

Subscribed and sworn to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
 Notary Public

CORPORATE VERIFICATION

STATE OF NEW YORK )  
 COUNTY OF ONONDAGA) ss:

\_\_\_\_\_ being duly sworn, deposes and says that he/she is  
the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ the corporation named in the within entitled Application/Petition, that he/she has read  
the foregoing instrument and knows the contents thereof; and that the same is true to his own  
knowledge except as to the matters therein stated to be alleged upon information and belief,  
and that as to those matters he/she believes it to be true.

Subscribed and sworn to before me this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public