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# *Town of LeRay*

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## **Use Variance Application**

**For:** \_\_\_\_\_

Contact Morgan Melancon with any questions:  
(315) 629-4052 or [clerk@townofleray.org](mailto:clerk@townofleray.org)





# USE VARIANCE APPLICATION

## OFFICE USE ONLY

\$100 Application Fee       \$100 Fee for Special Meeting       \$50 239-M Form (County Referral)

Cash       Check      Check #: \_\_\_\_\_      Receipt #: \_\_\_\_\_

### Zoning District Classification:

AR    R-1    MU    CC    PD    MED    MHO    Well Head Protection Zone

Date submitted: \_\_\_\_\_      Received by: \_\_\_\_\_

### The statutes define a Use Variance as follows:

"... one which permits a use of land which is proscribed by the zoning regulations. Thus, a variance which permits a commercial use in a residential district, which permits a multiple dwelling in a district limited to single-family homes, or which permits an industrial use in a district limited to commercial uses, is a Use variance."

As the Use Variance grants permission to the owner to do what the use regulations prohibit, this power of the Zoning Board of Appeals must be exercised very carefully lest there be serious conflict with the overall zoning scheme for the community. **The showing required for entitlement to a Use Variance is therefore intended to be a difficult one.**

## Use Variance Application Checklist:

**Please provide 5 additional copies of all supporting documents unless otherwise directed by the Zoning Board of Appeals Chairperson.**

### A Complete Application Must Have the Following:

- A Completed Application Form
- A Completed Part 1 SEQR Form
- A denial Letter of the Zoning Permit Application
- The fee for application submission

### Additional Items you May Need (unless exempt by the ZBA):

- 239-m Form – \$50.00 fee
- A Letter of Authorization
- An Ag Data Statement pursuant to NYS Agriculture and Markets Law 305-a

### Other attachments deemed pertinent by the applicant (please list):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**SUBMITTAL DEADLINE: no later than the 3<sup>rd</sup> Friday of the month by noon.**

## Contact Information

**Applicant Name:** \_\_\_\_\_ Title:  Mr.  Mrs.  Ms.  Miss.

Company Name (if applicable): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

You are the:  Owner  Tenant  Contractor  Other, explain: \_\_\_\_\_

Would you like to be notified of project information (i.e., meetings, mailed correspondence, emails)?  Yes  No

**Property Owner Name** (if different from applicant): \_\_\_\_\_

Title:  Mr.  Mrs.  Ms.  Miss. Business Name (if applicable): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Would you like to be notified of project information (i.e., meetings, mailed correspondence, emails)?  Yes  No

**Contact Person Name:** \_\_\_\_\_ Title:  Mr.  Mrs.  Ms.  Miss.

Company Name (if applicable): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

You will be notified of correspondence for all project information.

**Additional contact to be notified of project information:** (optional)

**Name:** \_\_\_\_\_ Title:  Mr.  Mrs.  Ms.  Miss.

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## Project Information

**This appeal concerns property at the following address:**

Parcel Address: \_\_\_\_\_ Tax Parcel #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

1. Denial was made because of a violation or conflict with the Zoning Code(s): \_\_\_\_\_

\_\_\_\_\_

2. Date of Zoning Enforcement Officers Decision: \_\_\_\_\_

3. Date Applicant Acquired Property: \_\_\_\_\_

(If property is not owned by the applicant, the applicant must submit Letter of Authorization signed by the property owner authorizing the applicant to appeal on his/her behalf)

4. Total Acreage Involved in the Project: \_\_\_\_\_

5. What is the land currently being used for:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. What are the adjacent uses of the surrounding lands? (Ex. Barber shop, single family residential, retail store, agricultural land, ect.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Describe the character of the neighborhood: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VARIANCE REQUEST**

I/We, \_\_\_\_\_ hereby apply to the Zoning Board of Appeals for a variance to use the subject property as follows:

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

# USE VARIANCE TEST

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## IMPORTANT

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied. Additional sheets may be attached as necessary. Remember to provide specific and detailed evidence to support your claims and ensure that your arguments are clear, concise, and well-documented.

- The granting of the variance is necessary in order for me to realize a reasonable return on the property and my lack of return is substantial, as demonstrated by the following competent financial evidence and attached documentation:**
  - Provide specific details on attempts made to use, sell, or rent the property for each permitted use, including advertisements, listings, and marketing strategies employed.
  - Present concrete evidence, such as financial statements or market analyses, to showcase the potential loss of income or financial hardship incurred if the variance is not granted.
  - Highlight any unique circumstances or market conditions that contribute to the lack of return on the property.
  - For reference to all allowable uses within each district, please consult the attached Schedule of District Uses.

Proof: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_







**4. The alleged hardship has not been self-created:**

- Clearly outline the timeline of events, demonstrating that you purchased the property before the restrictive zoning regulations were implemented or adopted.
- Provide supporting documentation, such as property purchase agreements, deeds, or records, to establish the date of your property acquisition.
- Present evidence that showcases the subsequent adoption of the zoning regulations, illustrating that the hardship arose after your purchase and was not a result of your own actions.
- If applicable, address any potential factors or actions that might suggest a self-created hardship and provide compelling evidence to show that such factors are unrelated to the current variance request.

Proof: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**SIGNATURE AND VERIFICATION**

**Please be advised that no application can be deemed complete unless signed below.**

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of ZEO: \_\_\_\_\_ Date: \_\_\_\_\_

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# ADJACENT LANDOWNERS

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The following list consists of all individuals, firms, corporations, and businesses owning property adjacent to both sides and rear, and in front of (across street from) the property. Addresses must be obtained from the current tax rolls which are available in the Town Office. Use additional pages if needed.

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ Tax Map ID #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

# Town of LeRay

## LETTER OF AUTHORIZATION

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Let it be known that \_\_\_\_\_ has been retained to act as agent to perform all acts for my application at the property identified below.

**These acts include: (please initial all the acts you are authorizing)**

- \_\_\_\_\_ Pre-application conferences with Town staff, filing applications and/or other required documents relative to all Planning Board applications
- \_\_\_\_\_ Main point of contact for Town staff
- \_\_\_\_\_ Agent will be contacted on all matters instead of the owner
- \_\_\_\_\_ Attend all Planning Board meetings on my behalf

Tax Parcel #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Property Owners(s)

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\_\_\_\_\_  
**Signature:**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
**Signature:**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Date:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Agent

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\_\_\_\_\_  
**Signature:**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Date:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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# Town of LeRay

## AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement. **\*\*Only applicable if within 500ft of a NYS Certified Agricultural District.**

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Description of the proposed project:**

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

**Project Site Address:** \_\_\_\_\_ **Tax Parcel #:** \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**The project is located on property:**

- Within an Agricultural District containing a farm operation, or
- With boundaries within 500ft of a farm operation located in an Agricultural District

**Number of acres affected by the project:** \_\_\_\_\_

**Is any portion of the project site currently being farmed?**  Yes  No

**If yes, how many acres or square feet?** \_\_\_\_\_

Attach a copy of the name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed. If a copy has already been provided, skip this step.

Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations.

### FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration, and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

\_\_\_\_\_  
Name and Title of Person Completing Form

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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ZONING

158 Attachment 1

Town of LeRay

Schedule of District Uses

**A = Use permitted administratively**

**SP = Use requiring site plan approval**

**SUP = Use requiring site plan approval and special use permit**

Use	District					
	AR	R-1	MU	CC	MED	PD
Accessory dwelling unit attached to commercial building			SUP	SUP		
Accessory dwelling unit, detached, private home	SP		SP			
Accessory structure	A	A	SP	SP	SP	SP
Adult entertainment, retail				SP	SUP	
Adult entertainment use					SUP	
Agricultural industry	SUP				SP	
Agricultural operation, customary	A					
Agricultural structure	A				A	
Agricultural tourism operations	A		A	A	SP	
Agriculture, general	A	A	A	A	A	
Airport, private	SUP				SUP	
Animal breeding, hobby	SP	SUP				
Animal breeding, small	SP					
Animal hospital or veterinary clinic	SP		SP	SP	SP	
Apartment building			SUP	SP		SP
Apartment complex			SUP	SP		SP
Assembly use	SP	SUP	SP			
Automotive repair, limited	SP		SUP	SP	SP	
Automotive sales and/or rentals, limited			SUP	SP	SP	
Automotive service, limited			SUP	SP	SP	
Bar, tavern or pub			SUP	SUP		SUP
Bed-and-breakfast inn	SP	SP	SP			SP
Brewery, winery or distillery	A			SUP	A	
Building, mixed-use	SP		SP	SP	SP	SP
Building, office	A	SP	SP	SP		SP
Campground	SP					
Car wash	SUP		SP	SP	SP	SP
Cemetery	SP	SP				
Commercial equine operation	A				A	
Commercial horse boarding operation	A				A	
Construction storage yard	SP		SP		SP	
Cultural use facility or museum	SUP		SP			SP

LERAY CODE

**A = Use permitted administratively**

**SP = Use requiring site plan approval**

**SUP = Use requiring site plan approval and special use permit**

Use	District					
	AR	R-1	MU	CC	MED	PD
Day-care facility	SP	SP	SP			SP
Drive-through facility			SUP	SP	SP	SP
Dry-cleaning facility			SUP	SUP	SP	
Dry kiln	SP				SP	
Dwelling, multiple-family			SUP	SP	SUP	SP
Dwelling, single-family	A	A	A		SUP	SUP
Dwelling, townhouse (including parent parcel)			SP	SP		SP
Dwelling, two-family	A		SUP			SP
Equipment sales, repair or rentals, large-scale				SP	SP	
Equipment sales, repair or rentals, small-scale	A		A	A	A	
Essential services	SP	SP	SP	SP	SP	SP
Family/caregiver apartment	SP	SP	SP			SP
Farm, dairy or cattle	SUP					
Farm, fur	SUP					
Farm, hog	SUP					
Farm, poultry/egg	SUP					
Farm labor camp	SP					
Farm operation	A				A	
Farmers' market	SP		SP	SP	SP	
Farmette	A	SUP				
Feedlot	A					
Forest-based manufacturing	SP				SP	
Forestry	A		SUP	SUP	A	
Freight terminal	SUP		SUP	SUP	SUP	
Funeral home	SP		SP	SP	SP	
Garden center or commercial greenhouse	SP		SP	SP	SP	
Golf course	SUP	SUP				SP
Greenhouse, personal	A	A	A		A	SP
Greenhouse, wholesale	SP		SP	SP	SP	
Health-care facility, outpatient			SP	SUP		
Home occupation, major	SUP	SUP	SUP	SUP	SUP	SUP
Home occupation, minor	A	A	A	A	A	A
Hospital			SUP	SUP	SUP	
Industrial services	SUP				SUP	
Industry, custom	SP		SP	SP	SP	
Industry, general	SUP				SP	
Industry, limited	SP		SP		SP	

ZONING

**A = Use permitted administratively**

**SP = Use requiring site plan approval**

**SUP = Use requiring site plan approval and special use permit**

Use	District					
	AR	R-1	MU	CC	MED	PD
Inn	SUP		SP	SP		
Junkyard					SP	
Kennel	SP				SP	
Laundry, self-serve/dry cleaning outlet			SUP	SUP		
Manufactured home	A				SUP	SUP
Manufactured home park	SUP					SUP
Membership clubs	SP		SP	SP		
Mining operations (DEC)	SUP				SUP	
Mining operations (local)	SUP				SUP	
Mixed-use development	SP		SP	SP	SP	SP
Mobile food processing establishment	SP		SP	SP	SP	
Mobile food service establishment			A	A		
Mobile home park	SUP					
Modular home	A	A	A		SUP	SUP
Motel/hotel			SP	SP		SP
Motor vehicle equipment sales, repair, and rentals, heavy			SUP	SUP	SUP	
Motor vehicle parking facility			SP	SP	SP	SP
Motor vehicle salvage or wrecking	SUP				SUP	
Motor vehicle storage facility	SUP				SUP	
Motor vehicle truck rental establishment			SUP	SP	SUP	
Motor vehicle truck stop			SUP	SUP	SUP	
Movie theater			SP	SP		
Movie theater, drive-in			SUP	SUP		
Nightclub			SUP	SUP	SUP	SUP
Nursery school	SP	SP	SP			SP
Parks and open space	A	A	A	A	A	A
Pasture	A	SUP	SUP		A	
Pawn shop				SUP		
Pick-your-own farm operations	A				A	
Place of worship	SP	SP	SP	SP		
Public and semipublic facility	SP	SP	SP	SP	SP	SP
Recreational facility, commercial	SUP		SP	SP	SP	SP
Recreational facility, limited	SUP				SUP	SUP
Recreational vehicle park	SUP				SP	SP
Recreational vehicle sales, repair, and rentals, highway	SUP			SP	SP	
Recreational vehicle sales, repair, and rentals, nonhighway	SP		SP	SP	SP	
Research and development			SUP	SP	SP	

LERAY CODE

**A = Use permitted administratively**

**SP = Use requiring site plan approval**

**SUP = Use requiring site plan approval and special use permit**

Use	District					
	AR	R-1	MU	CC	MED	PD
Residential-care facility, general			SP	SP		
Residential-care facility, limited	SUP	SP	SP			
Restaurant or diner	SUP		SP	SP	SP	SP
Restaurant, fast food			SUP	SP		SP
Retail, convenience	SUP		SP	SP	SUP	SP
Retail, large product	SUP			SP	SP	
Retail, shopping center			SUP	SUP		SUP
Retail, small	SUP		SP	SP	SP	SP
Roadside stand	A	A	A			
Saw mill	SP				SP	
Saw mill, limited	A				A	
School, private	SP	SP	SP			SP
School, public	SP	SP	SP			SP
Solar energy system	A	A	A	A	A	A
Solar farm	SP	SP			SP	SP
Stable, private	A	SP			A	
Storage facility, enclosed	SUP					
Storage facility, outdoor	SP		SP	SP	SP	
Storage facility, self-storage			SUP	SP	SP	
Swimming pool, private	A	A			A	A
Swimming pool, public		SP	SP			SP
Telecommunications facility	SUP		SUP	SUP	SUP	SUP
Timber operation	A				A	
Warehousing and storage	SUP				SP	
Wholesale sales and distribution, large-scale				SP	SP	
Wholesale sales and distribution, small-scale			SP	SP	SP	
Wind energy conversion system, small	SUP			SUP	SUP	SUP