

**ZONING BOARD OF APPEALS**  
**APPLICATION INSTRUCTIONS**

**VILLAGE OF PITTSFORD**  
**21 North Main Street**  
**Pittsford, New York 14534**

In order to apply to the Zoning Board of Appeals, the applicant or agent must have previously met with the Building Inspector to determine what relief should be requested. The Building Inspector will issue a denial in the form of a letter to the applicant, detailing what relief is needed. Included with the denial letter will be the application, meeting schedule with application deadlines, and the amount of the application fee.

**REQUIRED APPLICATION MATERIALS:**

1. A complete application must be received in the Village Office by the application deadline. Deadlines are necessary in order to publish a notice of public hearing (required by law) in the Brighton-Pittsford Post. The notice must be published at least 10 days before the Zoning Board meeting.
2. A survey map is required for most applications. The footprint of the proposed project must be drawn on a copy of the map, showing all dimensions and distances to property lines.
3. Elevation drawings of the project will be required if the request is to construct or add to a building.
4. Photographs of the project site showing existing conditions are required and will help the Board visualize your request.
5. The application fee must be received before the notice of public hearing can be published.
6. The Building Inspector will determine if additional items are required.

**GENERAL INFORMATION**

1. The Zoning Board of Appeals meets on the fourth Monday of each month unless otherwise noted on the meeting schedule. The meeting schedule for the next year is available in December.
2. The applicant, or the applicant's agent, must appear at the public hearing. The applicant or agent should be prepared to describe the project and explain why relief is necessary.
3. Materials not part of the original application, such as updated drawings or written comments from interested parties, may be submitted up to the close of the public hearing.
4. The applicant will be required to post a notice of public hearing (supplied by the Village) on the subject property at least 10 days prior to the meeting.

The Board will consider variance applications on the basis of the following criteria. The applicant **MUST** address these points in the application and discussion. The applicant must submit a letter of intent (see sample) that details how the requested variance meets these standards:

For an **AREA VARIANCE**:

1. Will an undesirable change be produced in the character of the neighborhood or be a detriment to nearby properties?
2. Can the benefit be achieved by some other feasible method?
3. Is the requested variance substantial?
4. Will the request create an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?
5. Is the alleged difficulty self-created?

For a **USE VARIANCE**:

1. The applicant cannot realize a reasonable return without a variance (lack of return must be substantial as demonstrated by competent financial evidence).
2. The hardship is unique and does not apply to a substantial portion of the district or neighborhood.
3. The variance will not alter the essential character of the neighborhood.
4. The hardship is not self-created.

**SAMPLE LETTER OF INTENT**

September 20, 2009  
Village of Pittsford  
Zoning Board of Appeals  
Letter of intent

Property owner: \_\_\_\_\_  
Property address: \_\_\_\_\_  
Applicant/agent: \_\_\_\_\_  
Contractor: \_\_\_\_\_

We are proposing to install a decorative cedar fence that would begin at the northwest corner of the residence and extend west to the property line, and then return south to connect with the existing rear yard fence. The proposed fence would match in style the existing fence that extends across the rear side yard from the house to the west property line. An entry arbor with a gate would be situated over the existing garden path accessing the rear and side yard gardens.

We are requesting an area variance for the proposed height of the new fence. The proposed maximum height of 5’6” is higher than the permitted maximum fence height for a side yard location. The purpose of the taller fence is to enclose the garden area in the side yard with an esthetic decorative fence that will also help with controlling deer access to the gardens. The arbor is designed to create a focal point of entry from the front yard perspective. Please see attached plans and pictures for details.

Listed below is our response to the five factors taken into consideration for the granting of an area variance.

1. There will be no changes to the character of the neighborhood nor will the installation of the taller fence be detrimental to nearby properties. The fence is a traditional style picket fence that maintains a visual openness, yet defines space. The fence will be constructed of quality cedar and will be stained white to match the house body color. This is a common style of fence that would be completely in character with this well-established neighborhood.
2. The permitted fence height of 4’ is not high enough to protect the side yard gardens for deer browsing. The only alternative is the installation of a taller fence.
3. The installation of a fence that is 18” higher than permitted is not substantial. The proposed height of 5’6” is high enough to be a better obstacle of entry for the deer, but is not so high as to appear out of place or too tall. Our intent is to create a barrier of entry by esthetic means, as opposed to the installation of “deer netting.”
4. The installation of the fence will have no impact on environmental conditions or neighborhood infrastructure. The area is well established with mature trees and gardens. The fence will fit well into this setting with minimum disruption to significant features.
5. The situation is self-created only in regards to the fact that the attractive gardens were planted and are maintained by the homeowners. The existence of the attractive side yard gardens and their desire to keep them free of harm from deer browsing impacts their property and those nearby only in a positive way.