



TOWN OF YORK
 2668 Main Street, P O Box 187, York, NY 14592-0187
 Tel: (585) 243-3128 Fax: (585) 243-4618
 TTY NY: (800) 662-1220

received
 3/7/2024
 CmH

Zoning Board of Appeals (ZBA) Application

Project Name: 2682 Main St York Decle
 Applicant Name: David S Burch

1. Type of Request. Check the type of request you are applying for and complete the indicated sections of this application. If you are uncertain which request you are applying for, consult with the Town of York Code Enforcement Officer or the Town of York Zoning Clerk.

✓ All requests	Request Type	Complete All Required Sections
	Appeal and/or Interpretation	1, 2, 3, 4, 5, 6
✓	Area Variance	1, 2, 3, 4, 5, 7
	Use Variance	1, 2, 3, 4, 5, 8

All use variances and area variances (except those involving single-family and two-family dwellings), (Check with Code Enforcement Office to see which form is needed) **SEQR:** [State Environmental Quality Review Act \(SEQR\) Forms - NYS Dept. of Environmental Conservation](#)

All use and area within 500' of agriculture: If the proposed activity will be on property within an agricultural district containing a farm operation or on property with boundaries within 500 ft. of a farm operation located within an agricultural district, then an ag data statement must be completed. Check with Town Assessor for property owners to be listed on the form.
[NEW Copy of Agricultural Data Statement 002 .pdf \(yorkny.org\)](#)

Notice to Applicant: By law, the application or amendment must be referred to the County Planning Board if it applies to real property within 500 feet of: A municipal boundary, The right-of-way of any state or county road, A state or county park or recreation area (existing or proposed), State or county land on which a public building or institution is located, A farm operation within an agricultural district as defined by Article 25-AA of the New York State Agriculture and Markets Law, Existing or proposed right-of-way of any county stream or drainage channel. [Referral Trigger Map](#)

Requests will also require a public hearing seeking comments from the public on the requested variance.

Please describe your request, in general:

I intend to build a 31' x 7' deck
on the south side of my home at 2682 Main
st York.



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2. Identification.

Project Name 2682 Main St York deck build
 Applicant Name David S Busch
 Address 2682 Main St York PO Box 71
 Town York State NY Zip 14592
 Phone (315) 521 - 9648 Fax() -
 Email dsbusch7@mail.naz.edu
 Property Owner (If other than applicant) _____
 Address _____
 Town _____ State _____ Zip _____
 Phone () - Fax() -
 Email _____

3. Property Information.

Property Street Address 2682 Main St, York NY 14592
 Permanent Parcel Number 51.5-1-21
 Legal Description of Property Residential House

 Zoning District _____
 Area _____ Width _____ Depth _____
 Current Use(s) Residential
 Zoning District of Adjacent Properties to the:
 North _____ South _____ East _____ West _____

4. Prior Requests.

a. Have you ever requested ZBA relief for this property? Yes ___ No X
 If yes, please provide the following information:
 Date of Hearing _____
 Relief Requested _____
 Result _____

 b. Are there any existing variances for this property? Yes ___ No X
 If yes, please provide the following information:
 Date of Hearing _____
 Relief Requested _____
 Result _____



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5. Application Procedure. The following check list includes all documents required for the Town of York Code Enforcement Officer or Zoning Clerk to begin the ZBA process.

NOTE: Partial sets will not be accepted for submittal.

- Application Form and Fees.** A completed application form and the application fee are required with the initial submittal.
- SEQR Short Environmental Assessment Form.** A completed Short EAF is required for all Use Variance applications and for Area Variance applications related to properties other than single-family and two-family dwelling properties.
- Proof of Ownership.** Current proof of ownership of the property to utilized or contractual ability to acquire such land. If applicant is a tenant or agent of owner, then proof of ownership and written permission of owner for applicant to apply for zoning relief. Copy of Tax bill is not proof of ownership.
- Response to Criteria.** A completed, detailed written response to the review criteria referenced in section 1 and described in section 6, 7, and 8.
- Copies.** At the time of submittal, a complete electronic file of the site plan, landscape plan, elevation drawing, color renderings, complete checklist and application documents must be emailed to planningzoningclrk@yorkny.org. This will then be forwarded to the zoning board.

NOTE: The applicant and property owner will be notified when the application will be heard at a scheduled hearing.

I, David S Borsch (applicant), do hereby swear that the information given herein is true and correct.

I, David S Borsch (property owner), do hereby give permission for Town of York officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

David S Borsch 3/2/2024
 Signature of Applicant Date

David S Borsch
 Printed Name of Applicant

 Signature of Property Owner (If different) Date

 Printed Name of Property Owner (If different)



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7. Criteria for AREA Variances. The ZBA may grant an area variance only upon a finding that a practical difficulty exists. Please respond to the following statements.

- a. **Public Safety and Welfare.** Will the granting of a variance create an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

No.

- b. **Alternate Options.** Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

No.

- c. **The degree of variance.** Is the requested area variance substantial?

No

- d. **Level of effect.** Will the requested variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No

- e. **Not Self-Created.** Is the alleged difficulty self-created?

No.

The ZBA, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



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8. Criteria for USE Variances. A Use variance is issued to permit a use that is otherwise not permitted in the existing zoning district. The ZBA may only grant a use variance upon a showing by the applicant that applicable zoning regulations and restrictions have caused an unnecessary hardship. Please respond with regard to the following criteria. In addition, a use variance request shall include a plot plan drawn to scale detailing the specific use and improvements proposed by the applicant. The applicant must demonstrate all the following criteria to obtain a use variance.

a. Unreasonable Current Zoning Designation. Describe how the applicant, without a use variance, cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. Can the property be reasonably used for any purpose permitted in the zoning district without the use variance?

b. Unique Circumstances. Describe how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. What are the circumstances or conditions peculiar to the subject property that are not generally applicable in the area or to other properties in the same zoning district?

c. Character of the Area. Describe how granting of the requested use variance will not alter the essential character of the neighborhood. Take into consideration the established type and pattern of land uses in the area as well as the natural characteristics of the site and surrounding area when evaluating this criteria.

d. Not Self-Created. Describe how the alleged hardship has not been self-created. Are there special conditions or circumstances related to subject property that make the variance request necessary and which have not been created by or resulted from the actions of the applicant or the applicant's predecessors?

The ZBA, in granting a use variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

REF. MAP BY T. F. DUTTON, L.S.
 LAST DATED: 1-25-83
 RECORDED AT L. 620 D. 112

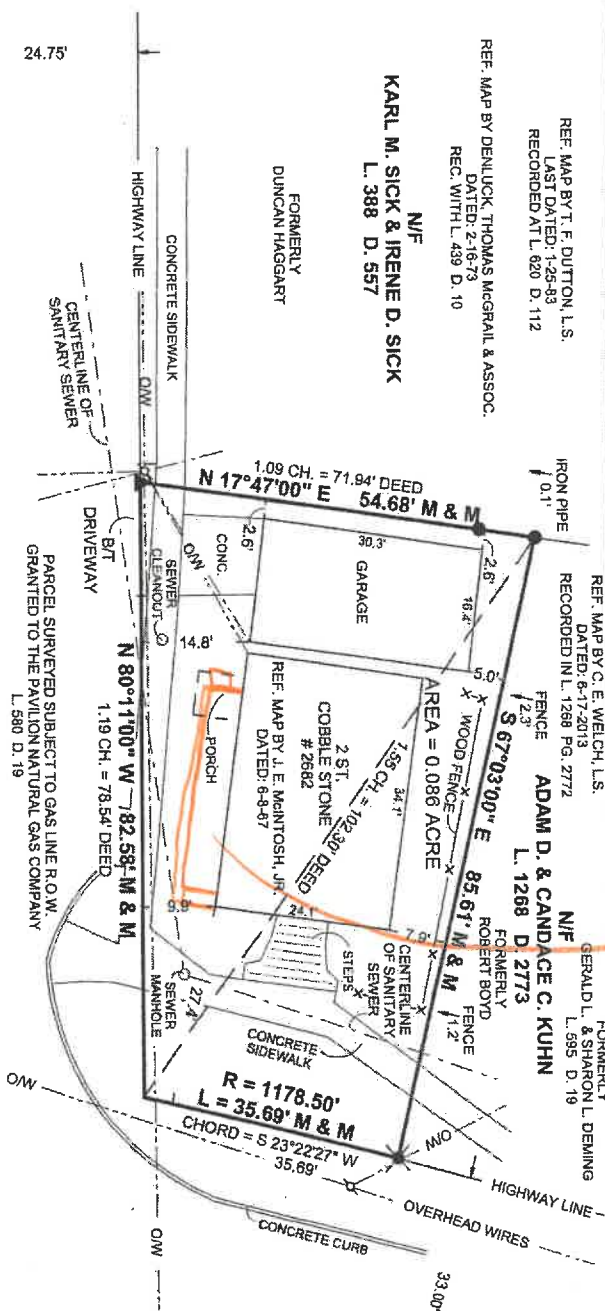
REF. MAP BY DENLUCK, THOMAS McGRILL & ASSOC.
 DATED: 2-16-73
 REC. WITH L. 439 D. 10

N/F
KARL M. SICK & IRENE D. SICK
 L. 388 D. 557

REF. MAP BY C. E. WELCH, L.S.
 DATED: 6-17-2013
 RECORDED IN L. 1268 PG. 2772

N/F
ADAM D. & CANDACE C. KUHN
 L. 1268 D. 2773

FORMERLY
 GERALD L. & SHARON L. DEMING
 L. 695 D. 19

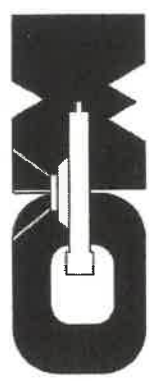


31' x 7' Deck with Roof

YORK ROAD WEST
 (49.5' WIDE)

MAIN STREET
 N.Y.S. ROUTE 36
 (A.K.A. LEICESTER ROAD)
 (66' WIDE)

M & M DENOTES MAP & MEAS.



WELCH & O'DONOGHUE - LAND SURVEYORS, P.C.
 P.O. BOX 297, AVON, NEW YORK 14414 PH: 585-226-2990, FAX: 226-2991

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
 REFERENCE MATERIAL
 LIBER 1233 OF DEEDS, PAGE 1376 (MAP RECORDED PAGE 1378)
 GENESEE VALLEY ABSTRACT NO. 18491 GV, DATED: 7-17-2014
LEGEND
 ○ = IRON PIN SET
 ● = IRON PIPE FOUND
 ▲ = MASONRY NAIL
 ⊕ = FENCE POST
 ⊙ = IRON PIN FOUND
 ⊕ = UTILITY POLE

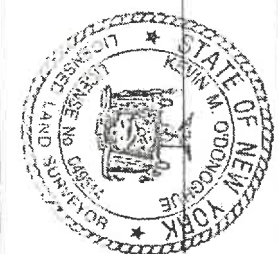
OWNER **CAROL ELL**
 LOCATION BEING A PART OF LOT # 82 IN WILL HELM & JAN WILLIAMS 40,000 ACRE TRACT, SITUATE IN THE TOWN OF YORK LIVINGSTON COUNTY, NEW YORK

DATE: JULY 31, 2014

SCALE: 1 IN. = 20 FT.
 JOB NO. L08-7071 W-1

I HEREBY CERTIFY TO:
 1) THE SECRETARY OF VETERANS AFFAIRS, THEIR SUCCESSORS AND/OR ASSIGNS
 2) PREMIUM MORTGAGE CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS
 3) CHICAGO TITLE INSURANCE COMPANY
 4) PRESUTTI LAW OFFICE, P.C.
 5) GARY R. STEWART
 THAT THIS MAP WAS MADE JULY 31, 2014 FROM NOTES OF A SURVEY COMPLETED JULY 28, 2014.

Kevin M. O'Donoghue
 KEVIN M. O'DONOGHUE, L.S. NO. 49514



REF BEARINGS TAKEN FROM
 MAP BY J. E. MCINTOSH, JR.
 DATED: 6-8-87