

**ZONING BOARD OF APPEALS APPLICATION
INSTRUCTIONS AND PROCEDURES**

- Regular meetings of the Zoning Board are held on the 3rd Monday of each month as needed at 7:00 P.M. at the Town of Barre Town Hall, or such other time or place as the Chairman of the Board may determine from time to time.
- All pertinent questions on the application must be answered, and all information required shall be concisely stated. Additional statements may be added if needed on the back of the application or on a separate sheet of paper.
- The final date for filing applications shall be ten (10) days before the date of the regular meeting.
- Applications for shall be accompanied by 5 copies of a plot plan and the appropriate fee. Checks should be made out to *Town of Barre*.
- Plot plans shall be drawn to scale, accurately showing lot dimensions, area, yard dimensions, location and size of all existing and proposed building on the property. Surveyor's maps are preferred and may be required in some cases.
- The Applicant or an authorized agent must attend the meeting, present the facts of the case, and be prepared to answer questions. It is extremely important that all the facts and details be presented clearly and correctly, with as much supporting evidence as possible.

Personal preferences, emotional issues and self-created difficulties are not proper or sufficient grounds for granting a variance. The Board must base their decision on the facts found during the hearing and review of the case. Please be aware that each application presents its own unique case and as such, circumstances vary on each application's outcome.

Some examples are as follows:

- a. If topographical conditions are claimed as a hardship, provide photographs and/or a topographic map with cross-section showing existing and required grades.
 - b. If pre-existing conditions are involved, provide evidence in the form of survey maps, properly records, eye witness testimony, etc. to support the claim.
 - c. If financial considerations, are involved, present actual dollar figures such as cost of dirt for filling, cost of moving a structure, costs of upkeep and repair, etc. Your figures shall be supported by documents such as estimate sheets, price quotations, or business records.
- On an application for a re-hearing, the applicant must allege new facts and provide proof of them at the hearing.

THE ZONING BOARD, IN ITS DISCRETION, MAY DISMISS AN APPEAL (WITHOUT PREJUDICE) FOR FAILURE TO COMPLY WITH ANY OF THE FOREGOING.

VARIANCE INFORMATION

AREA VARIANCE

An area variance seeks relief from a dimensional requirement imposed by the Town of Barre Zoning Regulations.

The applicant must show proof that he/she has practical difficulty if he/she is required to be in strict compliance with the Zoning requirement.

The Zoning Board of Appeals must consider the following in their deliberations:

- Will the requested variance be detrimental to nearby properties?
- Will an undesirable change occur in the character of the neighborhood?
- Are there any other feasible alternatives to achieve the benefit sought?
- Is the requested variance substantial?
- Will the variance cause adverse effects on the physical and/or environmental conditions in the neighborhood?
- If the difficulty self-created? (Although relevant, this does not necessarily preclude granting the variance).

In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. If the area variance is granted, it shall be 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.

USE VARIANCE

A use variance allows property to be used for a type of land use which is prohibited on the particular parcel by the Town of Barre Zoning Regulations.

The applicant must show that under existing zoning regulations, the property suffers unnecessary hardship (usually financial). This does not mean financial profit; it means unreasonable financial investment to use the property.

The Zoning Board of Appeals must consider the following in making their determination:

- The property owner cannot realize a reasonable return from **any use permitted** in the particular District.
- The landowner has circumstances unique to his property.
- The use will not alter the essential character of the locality.
- Unnecessary hardship is not valid if it is created by the applicant.

In making its determination the Zoning Board of Appeals shall grant the minimum use variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

IMPOSITION OF CONDITIONS

The Zoning Board of Appeals, in granting of both area variances and use variances, has the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Regulations, and shall be imposed for the purpose of minimizing any adverse impact that such variances may have on the neighborhood or community.

**TOWN OF BARRE
APPLICANT ACKNOWLEDGEMENT**

Date: 6/13/23

Applicant: Name: John E Nichols

Address: P.O. Box 502 Medina NY 14103

Telephone: _____

Subject Property: Address: # 12775 Hemlock Ridge Rd

Tax Lot No. _____ Medina NY 14103

Referred to Zoning Board of Appeals for:

Area Variance

Use Variance

Applicant shall reimburse the Town of Barre for all engineering, legal, or other extraordinary or unanticipated expenses incurred by the Town in review of the proposed action. The applicant shall reimburse the Town as expenses are incurred.

Where such expenses are estimated to be greater than \$1,000.00, the Zoning Board of Appeals will require an escrow account be established in an amount determined by such Board. The escrow account will be replenished as expenses are paid by the Town.

All monies due the Town of Barre shall be paid in full before issuance of any required permit OR within thirty (30) days of final action taken by the Zoning Board of Appeals.

I, John E Nichols have read the above statement and agree to the terms and conditions thereof.

John E Nichols
Applicant's Signature

6/13/23
Date

TOWN OF BARRE
ZONING BOARD OF APPEALS
APPLICATION
(See Instructions and Procedures Attached)

Date Received: _____

1. I (we) hereby apply to the Zoning Board of Appeals:

for Area Variance for a Use Variance

Area Variance distance requesting: 64 feet Front _____ Rear _____ Side _____

Pursuant to Section for the Town of Barre Zoning Regulations: _____
350-22-C-1 3522-E-1A

2. LOCATION: Address 12775 Hurlach Ridge Rd Tax Lot No. 104-1-48.2
Mendon NY 14103
Current Zoning: _____

3. OWNER: John P. Nickerson Telephone: 585-205-0344
Address: 12775 Hurlach Ridge Rd Zip: 14103
Mendon
APPLICANT: Same Telephone: _____
Address: _____ Zip: _____
AGENT: Same Telephone: _____
Address: _____ Zip: _____

If the applicant is not the owner or if there is an applicant/agent, please explain:

4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST: Garage for storage
to close to Road only place to put
it

SIGNATURE(s): John P. Nickerson DATE: 6/13/23
DATE: _____

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.

A. Name of applicant: John E. Nichols
Mailing address: P.O. Box 502 Madison NY
14103

B. Description of the proposed project: 24 by 24 Garage for
storage

C. Project site address: 12775 Humboldt Ridge Town: Barre

D. Project site tax map number: 104-1-48.2

E. The project is located on property:
 within an Agricultural District containing a farm operation, or
 with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: less

G. Is any portion of the project site currently being farmed?
 Yes. If yes, how many acres _____ or square feet _____?
 No.

H. Name and tax parcel identification number or 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.
Paul Markle 104-1-48-47
Panek family 104-1-48.1

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above. Web-mapping available at tinyurl.com/MapOrleans.

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.

John E. Nichols
Name and Title of Person Completing Form

6/13/23
Date

Short Environmental Assessment Form

Part 1 - Project Information

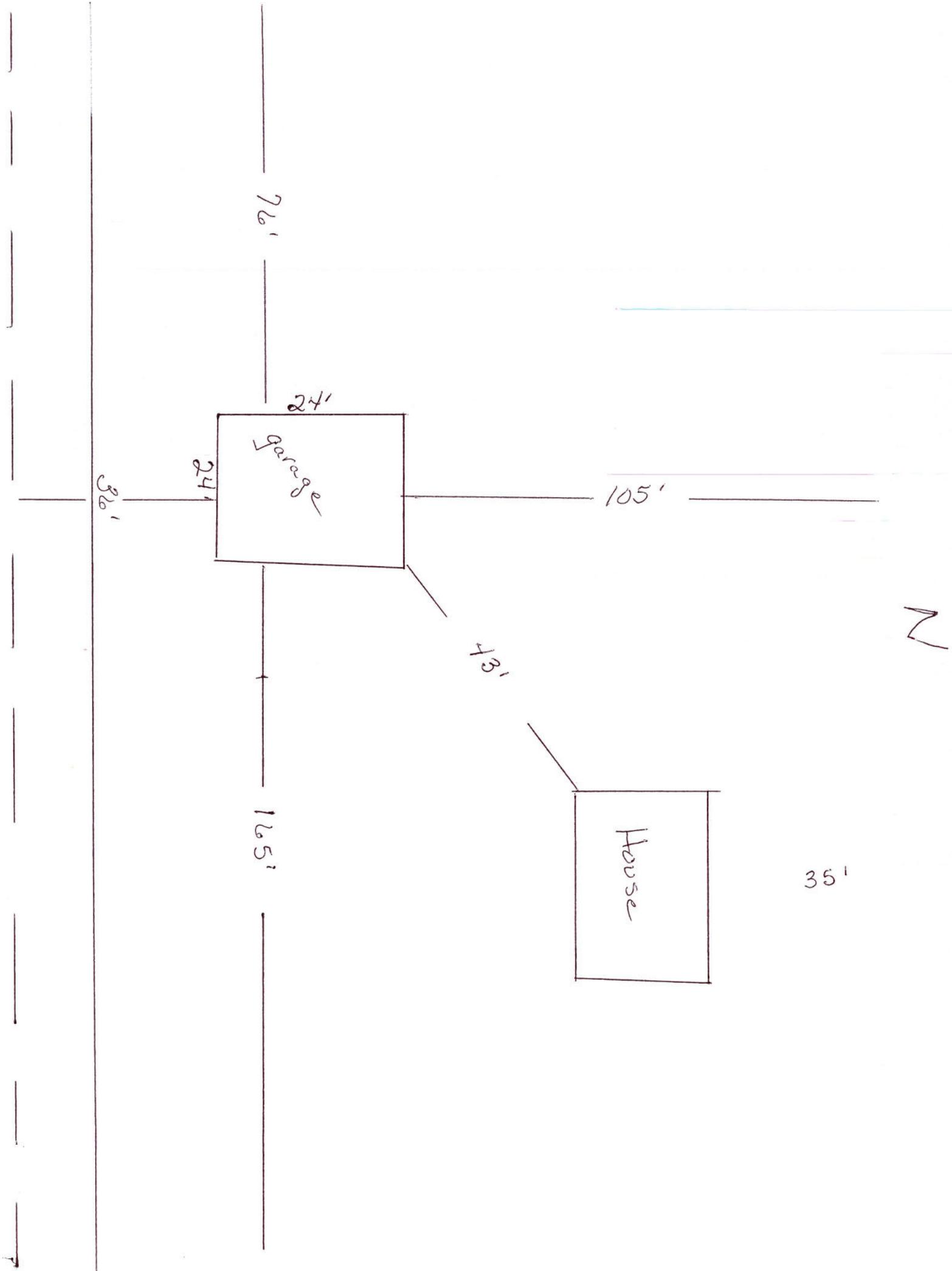
Instructions for Completing

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: <i>Building a Garage John E. Nestor</i>			
Project Location (describe, and attach a location map): <i>Sam</i>			
Brief Description of Proposed Action: Building a garage 24'x24' for storage 36' from center of road			
Name of Applicant or Sponsor: <i>John E. Nestor</i>		Telephone: <i>585-205-0366</i>	
Address: <i>12775 Kentuck Ridge Rd</i>		E-Mail:	
City/PO: <i>Medin NY P.O. Box 502 Medin</i>		State: <i>NY</i>	Zip Code: <i>14103</i>
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 checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		< 1 acres	
b. Total acreage to be physically disturbed?		< 1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		< 1 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>John E. Nichols</u> Date: <u>6/13/23</u></p> <p>Signature: _____</p>		



TOWN OF BARRE

BUILDING DEPARTMENT

Shellye Dale-Hall, Building Inspector/Code Enforcement Officer
14317 West Barre Road, Albion, New York 14411
Phone: 585-589-5100 ext 5 Facsimile: 585-589-2510 E-Mail: barreceo@rochester.rr.com

Building Permit Application

General Information

Project Location and Information

Address: 12775 Hemlock Ridge Tax Map Number: _____

Current Use of the Property/ Building: Storage

Proposed Use of the Property/Building: _____

Owner Identification

Owners Name: John E Nichols

Address of Owner: 12775 Hemlock Ridge Rd

City, State, Zip: Medina NY 14103

Phone Number: Home: 585-205-0366 Work: _____ Cell: _____

Type of Construction or Improvement (please check all that applies)

- Single family dwelling Two family dwelling
 Addition to Single family dwelling or two family dwelling (please circle one)
Addition will be used as: Family Room Living Room Kitchen Den
 Bedroom, how many _____ Bath: Full or Half
 Other (please describe) _____
Basement: Full Partial Crawl Slab
- Garage: Attached Detached Utilities: yes or no Pole Barn Utilities: yes or no
 Addition to Attached Garage, Detached Garage or Pole Barn (please circle one)
 Deck Porch
 Repair/ Replacement Other (please describe below)
 Demolition
 Alteration
 Misc. equipment
 Relocation
 Commercial Industrial
 Agricultural Residential

Description of Project:

Estimated Project Cost: \$8000 Contractor estimate for the work to be performed _____

Please attach copy of contractor certificates of insurance

Is the work going to be performed by the home owner: yes or no (please circle one)

Project Location and Details:

Please attach a plot plan, survey and or sketch and copy of construction drawings
The plan must include the following:

- Location of the proposed structure or addition showing the number of stories and all exterior dimensions and square footage.
- The distance of the proposed structure from all lot lines.
- The depth of the proposed foundation or footers.
- The distances of the proposed structure from any and all other structures.
- The maximum percentage of the lot to be covered by the building.

I, hereby grant the right of an on-site inspection to the Town Code Enforcement Official or their designee.

Signature John E Nichols

Date: _____

Orleans County
Nadine P. Hanlon County Clerk
3 South Main Street Courthouse Square
Albion NY 14411

Volm-870 Pg-4861

Instrument Number: 2023- 00119520

As

Recorded On: March 30, 2023

Deed With Rett #

Parties: METZGAR KIMBERLY D

To

NICHOLS JOHN E

Billable Pages: 3

Recorded By: ORLEANS ABSTRACT

Num Of Pages: 4

Comment: BAR NOTICE OF SALE

**** Examined and Charged as Follows: ****

Deed With Rett #	55.00	Coversheet	5.00	RP5217 Residential	125.00
TP584 Affidavit	5.00				
Recording Charge:	190.00				
Tax-Transfer	280.00	Consideration Amount	70,000.00	RS#/CS#	907
BARRE				Basic	0.00
				Local	0.00
				Additional	0.00
Tax Charge:	280.00			Special Additional	0.00
				Transfer	280.00

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Orleans County,

File Information:

Record and Return To:

Document Number: 2023- 00119520

MARK & GRABAR

Receipt Number: 353375

Libert 870 PG: 4861
Mar 30, 2023 03:28P

Recorded Date/Time: March 30, 2023 03:28:43P

INST #: 00119520

Book-Vol/Pg: Bk-D VI-870 Pg-4861

ORLEANS COUNTY CLERK

Cashier / Station: AA/bright / CASH02

Nadine P. Hanlon



Nadine P. Hanlon

Nadine P. Hanlon
Orleans County Clerk

THIS INDENTURE made March 30, 2023

Between KIMBERLY D. METZGAR, residing at 12775 Hemlock Ridge Road,
Medina, New York 14103,

Party(s) of the first part,

JOHN E. NICHOLS, residing at 11714 Portage Road, Medina, New
York 14103,

Party(s) of the second part.

Witnesseth that the party of the first part, in consideration of one and more dollars (\$1.00 and more) lawful money of the United States, paid by the party of the second party, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part bounded and described as follows:

See attached Schedule "A"

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

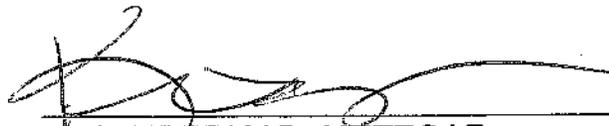
To have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

In Presence of



{L.S.}

KIMBERLY D. METZGAR

{L.S.}

STATE OF NEW YORK}

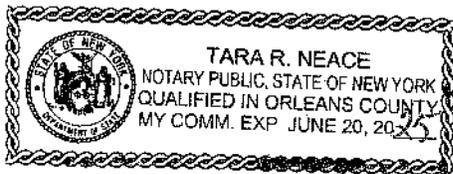
SS:

COUNTY OF ORLEANS}

On the 30th day of March, in the year 2023, before me, the undersigned, personally appeared KIMBERLY D. METZGAR, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(s), and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public



SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Barre, County of Orleans and State of New York being a part of Lot 52, Township 14, Range 2 of the Holland Land Company Survey (so-called) bounded and described as follows:

BEGINNING at a point in the centerline of Hemlock Ridge Road (E. Shelby - W. Barre Road) at its intersection with the east line of lands conveyed to Richard F. Newton by deed recorded in Liber 400 of Deeds at page 675, said east line being parallel with the west line of Lot 52 and 547.2 feet easterly therefrom measured along the centerline of said road; thence northerly along the east line of said Newton lands, 155.91 feet to a point; thence westerly parallel with the centerline of said road 287.7 feet to a point; thence southerly parallel with the east line of said Newton lands, 155.91 feet to a point in the centerline of said road; thence easterly along said centerline, 287.7 feet to the point or place of beginning, containing 1.03 acres, more or less.

Subject to covenants, easements and restrictions of record affecting the premises, if any.

This transfer has been completed at the request of the grantor and grantee without the updating of the abstract of title or survey. Both the grantor and grantee indemnify and hold harmless the Law Office of Mark & Graber, PLLC, with respect to any title defects or objections that may arise as a result of this transfer.

Property Address: 12775 Hemlock Ridge Road, Medina, New York 14103
Tax Map No. 104.-1-48.2



MAP ORLEANS

12775 hemlock Ridge

