

TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The solar panels in question will not be visible to from any house in the neighborhood. They will be placed too far from the road to be visible.

- (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.

The panels require a southern exposure to be economically feasible, and this is the only place that affords 90+ percent exposure.

- (3) Whether the requested area variance is substantial.

I believe it is not, although this is a subjective and vague question. The panels represent a substantial investment on my part but the portion of property the panels cover is insignificant.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The panels will rest on the northern tip of land that has been cultivated for decades. I foresee no impact, except the positive impact that reducing carbon footprint will have for ~~society~~ the environment as a whole.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

I believe it is not. This is a sincere effort to do something to combat global warming, however small. ~~I~~ Although I am a contributor to ~~the world's~~ carbon ~~footprint~~ levels, I cannot take total responsibility.