



TOWN OF WEBSTER

HOME OCCUPATION APPLICATION

Office (585) 872-7028 • Fax (585) 872-1352 • planning-zoning@ci.webster.ny.us



This application is for the approval of a Home Occupation in accordance with the Code of the Town of Webster §350-37. A major home occupation requires approval from the Zoning Board of Appeals.

Applicant:	_____	Minor Home Occupation	<input type="checkbox"/>
Business Type:	_____		
Business Location:	_____	Major Home Occupation	<input type="checkbox"/>
Tax ID (SBL) Number:	_____		

I certify that the home occupation that I am proposing meets the following:

- (a) The property is in full compliance with the provisions of Webster Town Code Chapter 350, and;
- (b) Is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes, and;
- (c) No other major home occupation is conducted on the premises, and;
- (d) Is carried on by a person residing in the dwelling unit as principal residence, and;
- (e) Has no more than one (1) employee, whether full-time or part-time and whether paid or unpaid, who is not a resident residing on the premises, and;
- (f) The floor area devoted or used for a home occupation shall be not more than twenty-five (25) percent of the ground area of the principal structure, excluding any accessory building or structure, or five hundred (500) square feet, whichever is less, and;
- (g) There shall be no exterior display or storage of goods, materials, equipment or inventory, and;
- (h) Except for one permitted identification or advertising sign not exceeding two (2) square feet in area and not more than five (5) feet above grade or ground level which otherwise is in full compliance with the provision of Webster Town Code Chapter 265, there shall be no identification of the home occupation or advertising sign, and;
- (i) Generates no additional need for additional off-street parking, and;
- (j) Uses no equipment which would not customarily be used by the occupants of a dwelling unit, and;
- (k) The fire Marshal and Building Inspector certify that the structures and proposed use comply with the New York State Uniform Fire Prevention and Building Code as applicable to the Town of Webster [Code of the Town of Webster Chapter 119].

Applicant's Signature

Date

Building Inspector

Date

Fire Marshal

Date

Director of Community Development

Date

ZONING BOARD OF APPEALS APPLICATION REQUIREMENTS

1. Cut off dates for all applications to be submitted to the Zoning Board of Appeals per the attached schedule which indicates deadlines for submittals for upcoming Board meetings. The Webster Town Zoning Board of Appeals meets on the 2nd Tuesday of each month. All meetings start promptly at 7:00 PM. The Webster Town Zoning Board of Appeals, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. If the Board exercises this right, the remaining cases will be heard at the beginning of the next regularly scheduled Public Hearing.
2. Applicants shall submit a completed application form along with the following:
 - ❖ A letter of intent that clearly and concisely explains the business that you are proposing, the intensity and whether customers will come to the home
 - ❖ A copy of the survey of the property
 - ❖ A sketch of the floor plan of the house indicating the extent of the area to be used for the home occupation and the total square footage of the structure
 - ❖ Any signage proposed and its location
 - ❖ Any other information that you wish to include relevant to the nature of the business
 - ❖ Owner's Affidavit (from property owner, granting permission to apply for special use permit)
 - ❖ Payment of fees on or before the scheduled deadline and/or cut off dates.

Any incomplete application received will not be scheduled to be heard by the Board. It will be the applicant's or agent's responsibility to submit a complete application for the hearing date requested (see submission checklist on next page).

3. The applicant shall submit ten (10) copies of the plan to scale. Applications for a major home occupation in a single-family residence may be accepted by the submission of an instrument survey map, no older than one (1) year old, prepared by a licensed surveyor and showing any proposed signage. Note: As long as there are no changes on the survey map, maps older than one (1) year may be acceptable, if determined so by the Zoning Board of Appeals.
4. The Town will facilitate the posting of a "Property Under Review" sign for placement in the front yard of the subject property. The Town may also send out public hearing notices to all property owners of record within 100 hundred (100) feet of the outside perimeter or boundary line of property involved in the variance. The postcard contains the time, date, and place of such public hearing and is mail at least ten (10) days prior to such hearing.
5. Any revisions made to the plans necessitated by comment from the Project Review Committee or Engineering Division must be resubmitted to the Engineering Division **no later than 7 days prior to the meeting date**. The Zoning Board of Appeals will not entertain any new or revised plans which have not been reviewed by the Project Review Committee.
6. The Zoning Board of Appeals requires that applications meet the submission checklist (on the next page) and reserves the right not to hear a presentation if the application is deemed incomplete.
7. **All submitted plans must be no larger than 11" x 17" or they will not be accepted.**
8. Applicants or their representatives must appear at the hearings. All withdrawals must be made in writing.

Zoning Board Submission Checklist

For Major Home Occupation Only **No. of copies:** ☒

- Completed Home Occupation Application 10 ☐
- Letter of intent (explaining the nature of the home occupation) 10 ☐
- Survey map showing location of any proposed signage 10 ☐
- Floor plan of house showing location of home occupation 10 ☐
- Non-collusion disclosure signed 10 ☐
- Sample copy of public hearing mailing notification 1 ☐
- List of property owners within 100 feet for mailing notifications 1 ☐
- Affidavit for proof of mailing 1 ☐
- Owner's Affidavit (if owner is different than applicant) 1 ☐
- Fees paid: \$_____ N/A ☐

- ❖ **Some projects may require a review referral to Monroe County Planning & Development. For these projects, an additional (5) complete application sets will be required at time of submittal.**
- ❖ **Please assemble the correct number of complete application sets prior to submittal for expedited distribution to staff.**

NOTE: All meetings start at 7:00 PM at the Van Ingen Courts and Board Room. The Webster Zoning Board of Appeals, at its own discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. In the event this occurs, the hearing(s) will be rescheduled to the next available meeting.

Fees:

Minor Home Occupation	\$10.00
Major Home Occupation	\$25.00

All checks shall be made payable to Webster Town Clerk

NON-COLLUSION DISCLOSURE PURSUANT TO
SECTION 225-111
OF THE WESTER ZONING ORDINANCE

TO WHOM IT MAY CONCERN:

No officer or employee of the State of New York, County of Monroe or Town of Webster has any financial interest in the land affected by or in the partnership making application for the project known as _____

DATED: _____

BY: _____
Authorized Representative

OWNER'S AFFIDAVIT

(Sign and return if property owner is different than applicant)

I, _____ do hereby certify that I am an owner and/or contract purchaser of property involved in this request and that the foregoing statements, answers and supporting documentation submitted are in all respects true and correct to the best of my knowledge and belief. If this application is granted approval, all actions shall be in accordance with the terms of that approval.

NAME OF PROPERTY / BUSINESS OWNER

SIGNATURE OF PROPERTY/BUSINESS OWNER

DATE

DEFINITIONS AND REGULATIONS

HOME OCCUPATION – An occupation, business or profession, which is carried on wholly within a dwelling unit or in a building or other structure accessory to a dwelling unit.

HOME OCCUPATION, MAJOR – Any home occupation which a minor home occupation is not.

HOME OCCUPATION, MINOR – Any home occupation which:

- A. Involves no persons other than persons residing on the premises;
- B. Shows no visible evidence from the exterior of the dwelling unit of the conduct of the occupation;
- C. Generates no additional traffic nor the need for off-street parking beyond the customary needs of the occupants of the dwelling unit;
- D. Uses no equipment which would not customarily be used by the occupants of a dwelling unit;
- E. Is not advertised by address; and
- F. Is conducted entirely inside of the principal dwelling unit or other structure on the premises.

§ 350-37. Home Occupation.

It is the intent of this Article to allow a variety of business pursuits as permitted uses in residential district while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. It must be recognized that, while business pursuits are allowed under the conditions provided for in this Article, that its primary purpose is to preserve and maintain the residential atmosphere, appearance and character of residential districts. It is the intent that the business be always second, subordinate and incidental to the principal residential use and that it will not harm other residential users of the property or premises. Under no circumstances should a business use become so extensive that it predominates the residential uses. It is the further intent of this Article to set forth general and specific performance standards and controls to limit home occupations. These standards and controls have as their purpose the minimization of adverse impacts a home occupation might have on a neighborhood or district and to assure that it does not become the predominant use of the property.

A. Permit Requirements:

- (1) No permit shall be required for a minor home occupation.
- (2) No person shall commence a major home occupation without first obtaining a permit from the Commissioner of Public Works. The applicant for a major home occupation permit shall meet the following standards and conditions:
 - (a) The property is in full compliance with the provisions of Webster Town Code Chapter 350, and;
 - (b) Is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes, and;
 - (c) No other major home occupation is conducted on the premises, and;

- (d) Is carried on by a person residing in the dwelling unit as principal residence, and;
- (e) Has no more than one (1) employee, whether full-time or part-time and whether paid or unpaid, who is not a resident residing on the premises, and;
- (f) The floor area devoted or used for a home occupation shall be not more than twenty-five (25) percent of the ground area of the principal structure, excluding any accessory building or structure, or five hundred (500) square feet, whichever is less, and;
- (g) There shall be no exterior display or storage of goods, materials, equipment or inventory, and;
- (h) Except for one permitted identification or advertising sign not exceeding two (2) square feet in area and not more than five (5) feet above grade or ground level which otherwise is in full compliance with the provision of Webster Town Code Chapter 265, there shall be no identification of the home occupation or advertising sign, and;
- (i) Generates no additional need for additional off-street parking, and;
- (j) Uses no equipment which would not customarily be used by the occupants of a dwelling unit, and;
- (k) The Fire Marshal and Building Inspection certify that the structures and proposed use comply with the New York State Uniform Fire Prevention and Building Code as applicable to the Town of Webster [Code of the Town of Webster Chapters 119 and 165].

B. Application – Each application for a major home occupation permit shall:

- (1) Be on a form provided by the Building and Zoning Office [approved by the Town Board], and;
- (2) Be accompanied by a complete plan, drawn to scale, showing the location of all buildings or structures on the premises and the area where the proposed home occupation will be carried out, and;
- (3) An application fee in the amount established by resolution of the Webster Town Board.

C. Revocation of Major Home Occupation Permit:

A major home occupation permit shall be deemed revoked upon the occurrence of any of the following events:

- (1) A subsequent permit is issued.
- (2) There is a substantial change in the nature of the occupation, business or profession carried out on the premises.
- (3) The home occupation is not commenced within six (6) months of issuance of a permit.

- (4) The home occupation ceases or is discontinued for a period of three (3) months for any reason.
- (5) The person carrying on the home occupation no longer resides on the premises.

D. Inspections.

The Fire Marshal and/or the Building Inspector of the Town of Webster shall conduct periodic inspection of all premises for which a major home occupation permit has been issued for compliance with the New York State Uniform Fire Prevention and Building Code, Code of the Town of Webster Chapter 165 and this Article. Such inspections shall be made at any reasonable time. An inspection shall be performed at any other time upon:

- (1) The request of the owner or authorized agent; or
- (2) Receipt of a written statement specifying the grounds upon which the subscriber believes a violation of the New York State Uniform Fire Prevention and Building Code, Code of the Town of Webster Chapter 165 and this Article; or
- (3) Other reasonable and reliable information that such a violation exists.

- DI. Notice of application. All applicants for special permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town Law.

TIPS FOR APPLICANTS

Requesting a variance for a project before the Zoning Board of Appeals requires the applicant to provide as much information as possible. It is recommended that the owner/contractor bring the appropriate representatives to answer questions from the Zoning Board of Appeals. The following are tips to help in your presentation.

1. Dress appropriately. Applicants shall meet business or business casual attire out of respect to the Zoning Board of Appeals.
2. Be on time! Meetings start at 7:00 PM.
3. Speak clearly and use the microphone. Get as close as possible to the microphone so all can hear you. Be sure introduce yourself, your company, and who you are representing. Be prepared to answer any questions from the Zoning Board of Appeals.
4. Provide visuals. The room is large. Visuals should be clear and easy to see, especially for the Board members and the public. Colored drawings are encouraged.
5. Be respectful to the Zoning Board, staff, and citizens in attendance.

At the completion of the presentation, the Zoning Board will make their decision regarding the project. You will receive a letter in the mail outlining the Zoning Board's decision and conditions of approval.

The Town Code is available on the Town of Webster web page: www.websterny.gov. Click on "Town Code".

Please contact the Department of Community Development if you have any questions regarding this process.

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