



PROCEDURE FOR APPLICATION TO ZONING BOARD OF APPEALS

APPELLANT MUST FURNISH THE FOLLOWING:

- 1) Building Permit Application completely filled out with non-refundable building permit fee.
- 2) Board of Appeals form completely filled out. Please complete all sections pertaining to your appeal.
- 3) Up-to-date legal survey showing all streets, buildings, etc.
- 4) Drawings, location plans, all pertinent data.
- 5) Short Form Environmental Review Form filled out (Note: Full Environmental review may be required dependent upon variance scope)
- 6) Copies of letters, sales contracts, any data providing evidence of contract purchaser agent etc., if applicable.
- 7) Written certification of authority of applicant to act on behalf of property owner, if applicant is not the owner of record.
- 8) Photos of the building are recommended but not required.
- 9) **\$100.00 (Residential) \$150.00 (Commercial)** Non Refundable application fee.
(Checks made payable to: Village of Williamsville)
- 10) Appellant shall furnish eleven (11) copies of items listed in # 1 – 8 above, as applicable.
- 11) **NOTE:** Any supplemental documentation must be submitted no less than five (5) business days prior to the scheduled hearing. Supplemental documents received five (5) business days or less before the scheduled hearing will not be distributed to Board members until the date of the scheduled hearing.

ZONING BOARD OF APPEALS

Village of Williamsville, New York

Petition for Variance

Under Local Law 2 – 2010

_____, 20_____

To The:

_____ Building Inspector

_____ Board of Appeals

Village of Williamsville, N.Y.

1. The undersigned, (representing) the (Lessee) of No. _____
(being) (Owner)
(identify property) by lot and block or otherwise _____
located on the _____ side of _____
between _____ and _____
hereby gives notice of appeal from the decision of the Building Inspector made on
the _____ day of _____, 20_____ in refusing a _____

_____ on the ground that such _____ would be in violation of the CODE OF
THE VILLAGE OF WILLIAMSVILLE, N.Y., as follows:
CHAPTER 112 ZONING - ARTICLE _____, SECT. _____
for the following stated reasons: _____

2. Zoning for Subject Premises: _____

3. Is there a Full SEQRA Review Required _____

4. Type of Variance sought by Applicant

_____ **Use Variance**

_____ **Area Variance**

5. Is Action subject to review pursuant to General Municipal Law 239.m _____

USE VARIANCE - Applicant is seeking authorization for use of the land which otherwise would not be allowed or would be prohibited by the terms of the Zoning Local Law. Burden of proof is on applicant to demonstrate that applicable Zoning Regulations and Restrictions have caused **UNNECESSARY HARDSHIP**. The following factors must be proven by the applicant in order for a Use Variance to be granted.

a) Provide evidence to demonstrate that under the applicable Zoning Regulations, the applicant cannot realize a reasonable return from the property in question, provided that the lack of return is established by competent financial evidence.

b) Provide evidence to demonstrate that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

c) Provide evidence to demonstrate that the requested use variance, if granted, will not alter the essential character of the neighborhood.

d) Provide evidence to demonstrate that the alleged hardship has not been self-created.

e) Other Comments.

AREA VARIANCE – Applicant is seeking authorization from the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations. In order to grant an AREA VARIANCE, THE ZONING BOARD OF APPEALS must consider the benefit to the applicant if the variance is granted and detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted. The burden is on the applicant to provide evidence in support of his application for an AREA VARIANCE.

a) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by a granting of the AREA VARIANCE?

b) Can the benefits sought by you the applicant be achieved by some other method, other than an AREA VARIANCE?

Please explain.

c) Is the requested AREA VARIANCE substantial? Please describe.

d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Please explain.

e) Is the alleged difficulty self created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but not necessarily preclude the granting of the AREA VARIANCE? Please explain/describe.

f) What is the minimum variance deemed necessary and adequate?

Signed: _____
(Owner/Lessee)

Address: _____

OWNER/LESEE (if other than above)

Name: _____

Address: _____

Subscribed to and sworn before me, etc.

I hereby certify that this notice of appeal was received by me (by mail) (by personal delivery) on the _____ day of _____, 20____.

Signed: _____

Building Department Clerk
Board of Appeals
Village of Williamsville, New York

In accordance with Article 809 of the General Municipal Law, the applicant states that there is no State Officer and/or Officer or Employee of the municipality or any municipality of which this municipality is a part, interested in the applicant except as follows:

NONE: _____

or

NAME: _____

ADDRESS: _____

Nature or extent of interest for above named: _____

This applicant certifies that this statement shall be annexed to and made a part of the original application.

APPLICANT