

VILLAGE OF DEPEW
85 MANITOU ST
DEPEW NY 14043
716-683-1400

PROCEDURE FOR APPLICATION TO ZONING BOARD OF APPEALS

Applicant must furnish the following:

1. Completed Appeals Application. Please complete all sections pertaining to your appeal and answer all questions to the best of your ability.
2. A copy of the most recent legal survey showing all streets, buildings, etc. The survey must represent a true representation of your property including any additions, fences, porches and/or garages.
3. With red pencil mark the proposed location and size of the structure, fixture, fence, etc. clearly on the survey copy. (we will make a copy of the survey in the office)
4. Copy of the deed or tax bill showing ownership.
5. If the applicant is not the title holder/owner of the property, you must provide a letter from the owner (notarized), Power of Attorney and/or other documentation evidencing authorization to make application to the Zoning Board of Appeals.
6. \$ 100.00 fee for applications; cash or check only.
7. Copies of any contracts with builders, contractors, etc. and detailed information of specific materials to be used, and or design plans (if applicable).

BUILDING DEPARTMENT will furnish the following:

1. Copy of Building Permit Application (Denial) or written request for specific relief from zoning ordinance.
2. Copy of Assessors Map for property
3. Photograph(s) of property

ZONING BOARD OF APPEALS
VILLAGE OF DEPEW, NEW YORK

PETITION FOR VARIANCE

PROPERTY ADDRESS: _____

_____, 20____

1. NAME: _____

2. MAILING ADDRESS: _____

3. OWNER _____ AGENT _____
LESSEE _____ LEGAL REPRESENTATIVE _____

NOTE: If the applicant is not the owner of record, a notarized letter of consent to the action, signed by the owner, must be submitted or paperwork documenting authority to act on behalf of the owner.

4. REASON FOR REQUEST FOR A HEARING BEFORE THE ZONING BOARD OF APPEALS

5. PROPERTY CLASSIFICATION:

RESIDENTIAL _____
BUSINESS _____
INDUSTRIAL _____

Signed _____
(Owner/Lessee)

Signed _____
(Owner/Lessee)

Home Phone: _____

Cell: _____

Work: _____

AREA VARIANCE – Applicant is seeking authorization from the Zoning Board of Appeals for the use of land in a manner that 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 the detriment to the health, safety, and general welfare of the neighborhood or community that would occur should the variance be granted. The burden is on the applicant to provide sufficient evidence in support of his/her application for an AREA VARIANCE. Please complete this portion to the best of your ability.

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

2. Can the benefits sought by you, the applicant, be achieved by some other method, other than an AREA VARIANCE? _____

3. Is the requested AREA VARIANCE substantial? _____

4. Will the proposed AREA VARIANCE have an adverse effect or impact the physical or environmental conditions in the neighborhood or district? _____

5. 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 requested AREA VARIANCE? _____

6. What is the minimum AREA VARIANCE deemed necessary and adequate? _____

Signed _____
(Owner/Lessee)

Signed _____
(Owner/Lessee)

PLEASE NOTE: ADDITIONAL INFORMATION MAY BE REQUESTED BY THE ZONING BOARD OF APPEALS, including, but not limited to, assessment under the State Environmental Quality Review Act (SEQRA)

USE VARIANCE - Applicant is seeking authorization for use of the land which otherwise would not be permitted or would be prohibited by the terms of the applicable zoning regulations. The burden of proof is on the applicant to demonstrate that the 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.

1. Provide EVIDENCE to demonstrate that, under the current applicable Zoning Regulations, the applicant cannot realize a reasonable return from the property in question _____

2. Provide EVIDENCE to demonstrate that the alleged hardship relating to the property is not unique, and does not apply to a substantial portion of the district or neighborhood _____

3. Provide EVIDENCE to demonstrate that the requested USE VARIANCE, if granted, will not alter the essential character of the district or neighborhood _____

4. Provide EVIDENCE to demonstrate that the alleged hardship has not been self-created _____

.....

Signed _____
(Owner/Lessee)

Signed _____
(Owner/Lessee)

ALL USE VARIANCE REQUESTS MUST BE REVIEWED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).

PLEASE COMPLETE THE ATTACHED ENVIRONMENTAL ASSESSMENT FORM AND RETURN IT TO THIS OFFICE AS SOON AS POSSIBLE, BUT NO LATER THAN TEN (10) DAYS PRIOR TO YOUR HEARING DATE.

NOTE: ADDITIONAL INFORMATION MAY BE REQUESTED BY THE ZONING BOARD OF APPEALS BEFORE MAKING ITS DETERMINATION.

ZONING BOARD OF APPEALS

OFFICE USE ONLY:

ADDRESS: _____

OWNER: _____

Date Application Filed: _____

Date Application Complete: _____

Date of Hearing: _____

Legal Notice Published: _____

PAPERWORK RECEIVED:

- 1. Application _____
 - 2. Survey with project _____
 - 3. Deed/Tax Bill _____
 - 4. EAF _____
 - 5. Other _____
- _____
- _____
- _____

VARIANCE REQUESTED: USE _____ AREA _____

Municipal Code SECTION Chapter _____ Article _____ Section _____ Paragraph _____

- 1. Review under SEQRA required: YES _____ NO _____
- 2. Environmental Assessment Form complete: YES _____ NO _____
- 3. Is Action Subject to General Municipal Law 239.m (within 500' of NYS or Erie County Highway)? _____
- 4. Is Action Subject to General Municipal Law 809 (Village Employee with Interest in Property)? _____