

**ZONING BOARD OF APPEALS APPLICATION
ELLICOTTVILLE, NEW YORK**

APPLICANT INSTRUCTIONS

No building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Zoning Official. Except upon written order of the Zoning Board of Appeals, no such Zoning Permit or Certificate of Zoning Compliance shall be issued for any building where said construction, addition or alteration of use thereof would be in violation of any of the provisions of the Zoning Law.

1. Any party aggrieved by a decision of the Zoning Official shall have sixty (60) days after the filing of such order, requirement, decision, interpretation or determination to file an appeal with the Zoning Board of Appeals and with the Zoning Official.

2. Please complete and submit the application, check lists, plans, drawings, and materials as follows.
 - 1 copy of the Zoning Board of Appeals application (with signature) and check list(s).
 - 1 copy of any engineering reports and/or studies.
 - 1 full size set of building plans and elevations.
 - 8 copies (11"x17") of building plans and elevations.
 - 8 copies of any supporting printed material (written statements, photos, figures, etc).
 - 1 original (with signature) and 8 copies of the fully completed environmental assessment form.
 - 1 pdf copy of the application materials noted above.
 - Application fees (paid in full).

3. The application package will be provided to the Zoning Board of Appeals for their review. The ZBA shall decide if the application is complete. All applicants or their representatives are required to attend the Zoning Board of Appeals meeting(s).

4. The submittal deadline is three weeks prior to the next scheduled ZBA meeting.

5. Additional fees may be charged for resubmissions, environmental reviews and consulting for costs incurred by the Town or Village above and beyond a typical project review.

6. Building permits will not be issued, nor any Planning Board approvals, prior to a variance being granted by the Zoning Board of Appeals.

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Applicant Information

Applicant Name: _____ Property Owner: Yes No

Company or Trade Name (if any): _____

Mailing Address: _____

Phone Number: _____ Email: _____

Applicant's Engineer or Representative Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Site Information (Property for which variance is requested)

Address (or location): _____

Tax Parcel Number: _____ Town of Ellicottville Village of Ellicottville

Owner(s) of record of the site: _____

Current Use of Property: _____

Description of Appeal

Project Name (if any): _____

Briefly describe the proposed use of the property here or attach additional pages if necessary:

Type of Appeal (check all that apply):
 Area Variance Use Variance Interpretation of Zoning Law Text or Map

Section of Zoning Law from which variance is requested: _____

Briefly Describe the requested variance:

Is this an appeal from a decision by the Building or Zoning Official? Yes No

If yes, what was the type of decision or permit? _____ Date of Decision: _____

Previous Appeal(s)

Has a previous appeal(s) been made with respect to this decision or with respect to the property? Yes No

If yes, provide appeal number(s), date(s) of appeal and ZBA decision(s):

Reasons Supporting Your Appeal

Please provide a **WRITTEN RESPONSE** to the questions for the type of appeal that you are making. These are the criteria that the Zoning Board of Appeals will use to evaluate your appeal.

Area Variance

An area variance is the authorization by the ZBA for the use of land in a manner which is not allowed by the dimensional or physical requirements of the zoning regulations. The ZBA will take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community. If a variance is to be granted, the ZBA must also grant the minimum variance necessary. In making its determination, the ZBA will consider these five questions for each area variance requested.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the variance?
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
3. Is the requested area variance substantial?
4. Will the proposed variance have an adverse effect or impact on 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 board, but shall not necessarily preclude the granting of the area variance.

Use Variance

A Use Variance is the authorization by the ZBA that permits a use of land which is prohibited by the zoning regulations. In order for the ZBA to grant a use variance, the applicant shall show that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant must demonstrate to the Zoning Board of Appeals that the following tests are met for each, and every use allowed by the zoning on the property, including uses allowed by special use permit.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence; and
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Interpretation of Zoning Law Text or Map

Provide a statement that describes what the Building or Zoning Official determined, what you believe should be the interpretation and why.

I have read and am familiar with the applicable zoning regulations for the above noted variances under the Village of Ellicottville Zoning Law or the Town of Ellicottville Zoning Law.

Signature of Applicant

Date

| | | | |
|-------------------------------|--------------------|----------------------------------|--------|
| For Official Use Only: | | | |
| Date Received: _____ | File Number: _____ | (from zoning permit application) | |
| Application Fee: _____ | Rec'd By: _____ | on _____ | (Date) |