

## PROCEDURE FOR APPLICATION TO ZONING BOARD OF APPEALS

### APPELLANT MUST FURNISH THE FOLLOWING:

- 1) Appeals form completely filled out. Please complete all sections pertaining to your appeal.
- 2) Up-to-date legal survey showing all streets, buildings, etc.
- 3) Drawings, location plans, all pertinent data.
- 4) Copies of letters, sales contracts, any data providing evidence of contract purchaser agent etc. Authority to act on behalf of property owner, if not the owner of record.
- 5) Appellant shall furnish **eleven** (11) copies of #2-4 if applicable.
- 6) **\$100.00** fee payable to Town of Tonawanda

### BUILDING DEPARTMENT FURNISHES:

- 1) Copy of the building permit application (**denied**) or written request for specific relief from zoning ordinance.
- 2) Copy of Assessor's map.
- 3) Photos of location, building, etc. and plot plan showing photo orientation.

TOWN CLERK WILL DISTRIBUTE DATA TO ZONING BOARD OF APPEALS MEMBERS.

### Note:

IF THE APPEAL IS GRANTED, THE APPLICANT MUST OBTAIN A BUILDING PERMIT BEFORE ANY CONSTRUCTION CAN BE STARTED.

11/22/94

Revised 3/7/01

ZONING BOARD OF APPEALS

Town of Tonawanda, New York

Petition for Variance

Under Local Law 4 -82

\_\_\_\_\_, 20\_\_\_\_\_

To The

\_\_\_\_\_ Building Inspector

\_\_\_\_\_ Board of Appeals  
Town of Tonawanda, N.Y.

1. The undersigned, ( representing ) the ( Lessee ) of  
( 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 TOWN OF TONAWANDA, N.Y....CHAPTER 215 ZONING...  
ARTICLE \_\_\_\_\_, SECT. \_\_\_\_\_ for the following stated reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Zoning for Subject Premises: \_\_\_\_\_

3. Is there a SEQRA Review Required \_\_\_\_\_

4. Type of Variance sought \_\_\_\_\_ Use Variance  
By applicant \_\_\_\_\_ 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.

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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.

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

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

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**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?

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

Please explain.

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

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

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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.

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

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Signed: \_\_\_\_\_  
(Owner/Lessee)

Mailing  
Address: \_\_\_\_\_

OWNER/LESEE (if other than above)

Name: \_\_\_\_\_

Mailing  
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 Officials-Secretary,  
Board of Appeals  
Town of Tonawanda, 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: \_\_\_\_\_ and

ADDRESS: \_\_\_\_\_

Nature or extent of interest...explain: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
APPLICANT