



**TOWN AND VILLAGE OF ELLICOTTVILLE
BUILDING / CODE ENFORCEMENT
DIVISION**



17 MILL ST. ELLICOTTVILLE, NY 14731

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ZONING BOARD OF APPEALS APPLICATION

Property is in: TOWN VILLAGE App. # _____

APPLICANT INFORMATION:

Applicant's name: _____ Date: _____

Mailing address: _____

Cell Phone Number: _____ E-Mail: _____

Applicant must be (check all that apply): Owner Operator Lessee

Applicant's Engineer or representative: _____

Address: _____

Phone #: _____ E-Mail: _____

PROPERTY OWNER INFORMATION (if different than Applicant)

Name: _____

Mailing Address: _____

Cell Phone Number: _____ E-Mail: _____

TYPE OF APPEAL:

Area Variance Use Variance Interpretation of Zoning Law text or map

Section of Zoning Law from which variance is requested: _____

Describe the requested variance: _____

Is this appeal from a decision of the Town/Village of Ellicottville Building Official? YES NO

If yes, what as the type of decision or permit? _____

Date of decision: _____

A previous appeal has has not been made with respect to this decision or with respect to the property. If a previous appeal was made, provide the Appeal # _____ and Date of Appeal _____.

Reasons Supporting Your Appeal

Please reply to the questions below 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. Provide as much detail as possible. Feel free to attach an additional statement.

AREA VARIANCE

In making its determination on an area variance, the Zoning Board of Appeals shall 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 by such grant. In making that determination, the ZBA will consider these five questions.

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 area 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

In order for the Zoning Board of Appeals 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 shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

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

Provide a statement that discusses each of these points, demonstrating that the zoning regulations have caused unnecessary hardship.

INTERPRETATION OF ZONING LAW

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

Attach additional statement.

PROPERTY / FACILITY NAME

Address: _____

Property tax map #: _____

Current use of property: _____

Description of Proposed Project/Use (attach additional pages, survey and plans):

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: _____, Rear yard setback: _____, Side yard setback: _____,

Combined side: _____, Minimum lot size: _____, Width: _____,

Height: _____, Floor area ratio: _____ (Village)

Usable Open space: _____

Site Information

Size of site: _____ Sq. Ft. Size of area to be developed: _____ Sq. Ft.

Main Structure:

Construction type: _____ Front yard setback: _____ feet

Height: _____ stories, _____ feet Side yard setback: _____ feet

of family units: _____ Total of both side yard setbacks: _____ feet

Size of lot: _____ Sq. Ft. Rear yard setback: _____ feet

Usable Open space: _____ % Floor area ratio: _____ (Village)

Corner or interior lot? _____ Other: _____

Accessory Building:

Description: _____

Percentage of yard: _____ Height: _____ feet.

Setback from rear lot line: _____ feet. Setback from side lot line: _____ feet.

Floodplain:

FIRM Zone _____ BFE _____

Flood Plain Development Permit Required? YES NO

ATTACHMENTS

Attach all relevant items listed in the Town/Village of Ellicottville Zoning Law for type of application(s) being submitted. Additional copies of all plans, documents and other application materials may be required. See attached list of required forms and information needed for type of application being submitted. Deadline for submittal is three (3) weeks prior to regularly scheduled meeting date. Meeting dates are subject to change by the Board Chair.

SIGNATURES

Applicant and Owner (if different) must sign the application.

I hereby certify that I have examined this application and know the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town/Village of Ellicottville zoning law that is relevant to this application(s).

Additional Fees may be charged for: pre-application meetings, SEQR review, and additional legal/consulting/engineering labor. Permit Fees are NON-REFUNDABLE

Permission to inspect – I hereby consent to Town/Village of Ellicottville Staff inspection of the project site and adjacent property areas. Town/Village staff may enter the property without notice. Inspection may occur without the owner, applicant or agent present, If the property is posted with “keep out” signs or fenced with an unlocked gate, staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site.

Applicant Signature: _____ Date: _____

Applicant must be (check all that apply): Owner Operator Lessee

Applicant Name:^{Print} _____

Property Owner’s Signature (if different than applicant) _____ Date: _____

Property Owner’s Name:^{Print} _____

Office use only:

Application Fee(s) _____

Received by: _____ on _____ (Date)

Project Number(s): _____