

## REQUEST FOR USE or AREA VARIANCE



### Instructions:

APPLICATION NO. \_\_\_\_\_

### Application Requirements:

1. Prior to seeking a variance from the ZBA, the Applicant (Property Owner) must receive a denial from the Code Enforcement Officer for a building permit.
2. Completed application must be submitted to the Town Clerk's Office accompanied by all necessary documentation and the proper application fee.

### Documentation required from applicant:

1. This ZBA Application completed
2. SEQR Short Environmental Assessment Form – Part 1 - Project Information completed.  
Form located at: [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf) Online Tool to help fill in parts of the Environmental Assessment Form: <https://gisservices.dec.ny.gov/eafmapper/>
3. Applicant's letter of intent (Section V of the application) (Explanation of the reason for the variance, specifically stating hardship)
4. Sketch, drawing, plan showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex: photos of property)
5. Most recent survey of the property involved with the location of all existing structures and proposed structures. This also must include all dimensions of structures, setbacks and distance from property lines.

**Fee required:** \$25.00 (This fee includes Advertisement of Legal Notice for Public Hearing)

### ZBA Hearing:

- The Town Clerk will notify the ZBA when the completed application and all required information is submitted.
- The ZBA will set a meeting date at least a minimum 30 days after the Planning Board is sent a copy for their recommendation on the application.
- The Town Clerk will place a Legal Notice in the approved paper, advertising the meeting.
- The applicant shall, at least five days prior to the date of the hearing, give notice, in writing, by registered mail or by service in person, with adequate proof of contact thereof to all property owners properties adjoining said property to be affected and other interested property owners as may be designated by the Board of Appeals. The applicant must furnish proof of services in writing and properly notarized. (All ZBA meetings are open to the public.)
- The Code Enforcement Officer will make the county and/or other required referrals if applicable.
- The property owner will make their case before the ZBA and answer any questions during the meeting.
- The ZBA will make their decision either at the end of the meeting or after further information is gathered and will notify the applicant.

## I. Type Of Request

\_\_\_\_\_ **AREA VARIANCE** (Allows a deviance from the zoning code's dimensional standards.)

\_\_\_\_\_ **USE VARIANCE** (Allows the property to be used in a way that local zoning code prohibits.)

## II. Applicant (Property Owner) Information

Applicant's Name: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

## III. Property Information

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

SBL # : \_\_\_\_\_ Size of Lot: \_\_\_\_\_

Size of Building (at street level) \_\_\_\_\_ feet front \_\_\_\_\_ feet deep

Percentage of lot occupied by buildings \_\_\_\_\_%

Height of Building \_\_\_\_\_ feet Stories \_\_\_\_\_

Set back from front property line \_\_\_\_\_ feet

Set back from rear property line \_\_\_\_\_ feet

Set back from right side property line \_\_\_\_\_ feet

Set back from left side property line \_\_\_\_\_ feet

Zone: \_\_\_\_\_ Rural Residential (R-R), Medium Density Residential (R-1), Seasonal Residential (R-2),  
Commercial (C), Industrial (I), Agricultural (A)

## III. Variance Request Information

This appeal is based on the decision made by the Code Enforcement Officer of the Town of Brant on

Date: \_\_\_\_\_:

Provision(s) of the of the Town of Brant Zoning Ordinance appealed:

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Section \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Section \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Section \_\_\_\_\_

**V. Letter of Intent** (attach additional pages if needed)

Please describe in detail the proposed project, reason the variance is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal.

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**A. Area Variance**

For Area Variance answer the following 5 questions:

1. Does the variance create an undesirable change in character of neighborhood, or is it detrimental to neighboring properties?

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2. Can the applicant's goal be achieved some other way?

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3. Is the variance substantial?

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4. Is there an adverse effect on physical/environmental conditions of the neighborhood?

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5. Is the alleged hardship self-created?

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**B. Use Variance**

**Complete the following for a Use Variance:**

TEST: No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

1. That the property cannot yield a reasonable return as currently zoned (“dollars and cents proof”).

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2. That the hardship is unique and does not apply to most of the area.

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3. That, if granted, the variance will not alter the essential character of the neighborhood.

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4. That the alleged hardship is not self-created. \_\_\_\_\_

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Signature of Applicant (Owner) \_\_\_\_\_

STATE OF NEW YORK; COUNTY OF ERIE

Sworn on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ before me, the above individual appeared and signed.

\_\_\_\_\_

Notary Public