

Request for an AREA VARIANCE

From the VILLAGE of Bemus Point Zoning Board of Appeal

- I. AREA VARIANCE DEFINED: Persons seeking Area Variances request relief, usually of a dimensional nature, from such zoning requirements as: yard requirements, setbacks, lot coverage, frontage requirements, and density regulations. The courts have held that Area Variances may be granted upon a showing of practical difficulties.
- II. WHEN TO USE THIS FORM: If a person feels himself aggrieved by a decision of the Zoning Officer (e.g., Zoning Permit denied on the grounds that the proposed structure would extend into the side yard), that person is able to appeal this decision by requesting an Area Variance from the local Zoning Board of Appeals. Please return this completed form to: Village of Bemus Point, PO Box 450, Bemus Point, NY 14712. Call 716-386-4398 with any questions.
- III. NAME OF APPLICANT: _____
PHONE NUMBER: _____
MAILING ADDRESS: _____
VILLAGE: _____
- IV. PROPERTY IDENTIFICATION:
Section _____ Block _____ Lot _____; Section _____ Block _____ Lot _____
Street address _____
Village _____
- V. PROJECT DESCRIPTION:

- VI. SKETCH: Show the size of the lot, adjacent streets, position of the proposed addition or change, existing structures, etc. Additionally, show slopes or other obstructions which make it difficult to comply with the zoning law.
- VII. REASONS FOR ZONING PERMIT DENIAL:
 - A. Dimensional request (Specify) _____
Does not conform with section _____ requirements (Specify)

 - B. Permit was denied _____, 20_____

VIII. CONSIDERATIONS: The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not on the local Zoning Board of Appeals. The following are some considerations courts have suggested which can be used to guide the Zoning Board of Appeals in determining practical difficulties. The more complete the answers, the easier a determination will be facilitated.

A. Does the Area Variance request differ substantially in relation to the existing zoning requirements? Yes _____ No _____

B. Comments:

C. If the Area Variance is allowed, will the resultant change in the character of the neighborhood create a substantial detriment to the adjoining properties?

Yes _____ No _____

Comments:

D. Do other feasible methods exist which the applicant might wish to pursue which would achieve results similar to those sought to those sought in the preliminary request? Yes _____ No _____

Comments:

E. In view of the manner in which the difficulty arose and considering all of the above factors, will justice be served in allowing the variance? Yes _____ No _____

Comments:

IX. HEARING: A public hearing is required. Please specify which days or times are an inconvenience for you or your representative to attend a hearing:

You will be notified in writing of the time and place for the hearing.

X. SIGNATURE OF APPLICANT:

Date: _____, 20 _____

Fee: \$25.00 Paid _____ Not Paid _____