

**APPLICATION TO ZONING BOARD OF APPEALS**  
**Town of Ellicottville, New York**

For Town Use Only:

Application Fee \_\_\_\_\_ Rec'd by \_\_\_\_\_ on \_\_\_\_\_ (Date)

Project Number: \_\_\_\_\_

**Applicant Information**

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

Corporate or Trade name (if any) \_\_\_\_\_

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

Phone Number \_\_\_\_\_

e-mail \_\_\_\_\_

Applicant's Engineer or Other Representative: Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_ e-mail address \_\_\_\_\_

**Property for which variance is requested**

Address (or location) \_\_\_\_\_

Real property tax map number \_\_\_\_\_

Owner(s) of record of the site \_\_\_\_\_

Current Use of the property \_\_\_\_\_

**Description of Appeal**

Type of Appeal

- Area Variance
- Use Variance
- Interpretation of Zoning Law text or map

Project name (if any) \_\_\_\_\_

Briefly describe the proposed use of the property or proposed project in the space below or in an attachment:

Section of Zoning Law from which variance is requested \_\_\_\_\_

Describe the requested variance:

Is this an appeal from a decision of the Town of Ellicottville Building Official? \_\_\_\_\_ Yes. \_\_\_\_\_ No.

If yes, what was the type of decision or permit? \_\_\_\_\_ Date of decision? \_\_\_\_\_

If this application is made based on Sections 274-a(3), 274-b(3), and/or 277(6) of NY Town Law, this variance application must be accompanied or preceded by a corresponding application for Special Use Permit, Site Plan, or Subdivision.

**Previous Appeal**

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 Number \_\_\_\_\_ and date of appeal \_\_\_\_\_.

**Reasons Supporting Your Appeal**

Please reply 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. 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.

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**Attachments-** Attach Part 1 of NYSEQRA Environmental Assessment Form, if required, and all applicable items listed in Section 9.3A(3) of the Town of Ellicottville Zoning Law. If construction is proposed, provide a site plan, drawn to scale, showing the dimensions of the lot, the location of existing structures on the lot (if any), proposed structures, required setback lines, proposed setback lines and all other pertinent information. At a minimum, one original and 8 copies of **all** plans, documents and other application materials are required. If referral to the Cattaraugus County Planning Board and/or a coordinated SEQRA review is required, additional copies will be required.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date