



TOWN OF WHEATFIELD

COUNTY OF NIAGARA

Office of Building, Plumbing, Electrical and Zoning

2800 Church Road, North Tonawanda, NY 14120

Phone: (716) 694-1026 Fax: (716) 694-1800

www.wheatfield.ny.us

Fee _____ Date Paid _____ Hearing Date _____ Approved _____ Denied _____

Appeal to the Zoning Board Area Variance

Applicant	Owner(s) (If not applicant)	Attorney/Agent
Name _____	_____	_____
Address _____	_____	_____
Phone/Fax _____	_____	_____
Email _____	_____	_____

Property Information

Property Address _____ Side of street (north, east, etc.) _____

Tax Parcel No: _____

1. Date acquired by owner _____ 2. Zoning District when purchased: _____

3. Present use of property _____ 4. Current Zoning District: _____

5. Has previous ZBA applicant/appeal been filed with property? ____ Yes ____ No If yes, when? _____

For what? _____

6. Is property located within a 500' of a State Park, town or city boundary or county/state highway? _____

7. Brief description of the proposed action: _____

8. Is there a written violation for this parcel that is not the subject of this application? ____ Yes ____ No

9. Has the work, use or occupancy to which the appeal relates already begun? ____ Yes ____ No

10. Identify the type of appeal you are requesting: ____ Area Variance ____ Use Variance ____ Interpretation

Area Variance 6 Please answer the following (add additional information as necessary):

The applicant request relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

2. Whether granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

3. Whether the variance is substantial. The Zoning Board of Appeals (ZBA) will look at the magnitude of relief sought by the applicant and compare it to the current Zoning Law. For example, if the applicant is seeking a variance for a 6 foot side yard setback and the Zoning Law states a minimum 10 foot side yard setback, the ZBA will decide if granting a variance for 6 feet is substantial or not.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

Applicant Signature

I/We the property owner(s), or purchaser(s), lessee(s) under contract of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature attached hereto, I/We believe the information provided within this application and accompanying documentation to be true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/We hereby authorize the members of the Zoning Board of Appeals to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Applicant Signature

Date

Applicant Signature

Date



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NOTICE OF DISAPPROVAL

Date: _____

Location: _____

Tax Map Number: _____

To: _____

Please take notice that your application dated _____
for a permit to construct _____

is returned and disapproved on the following grounds:

Joe Caturia
Building Department



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PROCEDURE TO APPLY FOR A ZONING VARIANCE

Complete this application and a SEQR Short Form which can be found under the letter "S" from the forms tab, and submit with application fee \$ _____.

The zoning board usually meets on the 2nd & 4th Monday of the month.

The board will accept the application at the next meeting following your submittal.

The board will schedule a public hearing. You will be notified by the zoning board of your public hearing date.

Attention applicant:

If this variance request involves the construction of a new structure such as a fence, addition, shed or garage; stakes must be used to indicate the exact location of the new structure. Stakes must be in place at least five days prior to the hearing. If the stakes are not in place prior to this time, the zoning board will postpone the hearing and reschedule it for a future date.