



# 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 Use 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

**Use Variance** ó Please answer the following (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

For the Zoning Board to grant a request for a use variance, an applicant **MUST** prove that the zoning regulations create an **unnecessary hardship** in relation to that property. In seeking a use variance, New York State law **requires** an applicant to prove **all four** of the following ötestsö:

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. öDollars & centsö proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to the property (attached additional evidence as needed):

1) Date of purchase: \_\_\_\_\_ Purchase Amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual Taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) Town assessed value: \$ \_\_\_\_\_ 7) Estimated Market Value: \$ \_\_\_\_\_

8) Appraised Value: \$ \_\_\_\_\_ Appraiser \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS):

Yes No If Yes, for how long?:

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications? Yes No

If yes, describe frequency and name of publications:

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3) Has the property had a "For Sale" sign posted on it? Yes No

If yes, list dates when sign was posted:

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4) How many times has the property been shown and with what results?

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2. That the financial hardship related to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous or properties in the neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

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3. That the variance, if granted will not alter the essential character of the neighborhood. Changes that alter the character of the neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The request variance will not alter the character of the neighborhood for the following reasons:

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4. That the alleged hardship is not self-created. An applicant (whether a property owner or someone acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in the position to know) the condition for which the applicant was seeking relief. The hardship was not self-created for the following reasons:

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**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.

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Applicant Signature

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Date

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Applicant Signature

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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 2<sup>nd</sup> & 4<sup>th</sup> 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.**