



# Use Variance Application

## City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: A Use Variance is the authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.

### Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website ([www.buffalony.gov](http://www.buffalony.gov)). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Use Variance Application Form (available online at [www.buffalony.gov](http://www.buffalony.gov) or in Room 913 City Hall).
3. Send an electronic copy (in PDF format) of the completed Use Variance Application Form with attachments (per the Requested Submittals listed on Page 2) to Room 913 City Hall via either USB flash drive or email/file transfer site to [ZoningBoardOfAppeals@buffalony.gov](mailto:ZoningBoardOfAppeals@buffalony.gov). PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
4. Staff will review the Use Variance Application and determine if it is complete.
  - a. **An application is complete if:** All questions on the Use Variance Application Form have been fully answered and sufficient photos and relevant materials (per No. 3 above) have been attached.
  - b. **An application is not complete if:** One or more questions on the Use Variance Application Form have not been answered or if additional relevant materials (including Competent Financial Evidence and SEAF) need to be attached. Notice will be provided to the applicant identifying any needed changes.
5. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
6. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C. of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
7. Attend the public hearing and present the Use Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
8. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Use Variance Application, please contact (716) 851-4064 or [ZoningBoardOfAppeals@buffalony.gov](mailto:ZoningBoardOfAppeals@buffalony.gov).

Please note: Any information provided with this application will be made public at [www.buffalony.gov/meetings](http://www.buffalony.gov/meetings)

### Fee

Pay associated fee of \$350 plus \$50 for each additional variance.



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## Required Submittals

Send an electronic copy (in PDF format) of the completed Use Variance Application Form with attachments (per the required submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to [ZoningBoardOfAppeals@buffalony.gov](mailto:ZoningBoardOfAppeals@buffalony.gov). PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

### Include the following as appropriate:

1. Completed Part 1 of the New York State Environmental Quality Review (SEQR) Short Environmental Assessment Form (SEAF) (available on-line or provided by Office of Strategic Planning staff).
2. Photos of the site of the variance request.
3. Any additional materials such as site plan, elevations, or other materials.
4. Notice of Denial issued by Department of Permit and Inspection Services.
5. Competent Financial Evidence  
Per New York State General City Law, Article 5A, Section 81-B.3 - "Use Variances," an applicant must prove (as demonstrated by "dollars and cents proof") that he or she cannot realize a reasonable return from each of the uses permitted in the zoning district. A list of permitted principal uses by zoning district is provided on pages 6-4 and 6-5 of the City of Buffalo Unified Development Ordinance (Section 496 of the City Code). The Unified Development Ordinance is available online at the city's website ([www.buffalony.gov](http://www.buffalony.gov)). For additional information regarding Competent Financial Evidence, please contact Office of Strategic Planning staff.



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## Applicant Information

Property Owner Name(s): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Architect Name(s): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contractor Name(s): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## Property Information

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

Area of Parcel (square feet): \_\_\_\_\_ Acres: \_\_\_\_\_

Zone: \_\_\_\_\_ Zone Overlay (if applicable): \_\_\_\_\_

## Project Description

Current Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Briefly Describe the Proposed Project (attach additional information if necessary):

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## Use Variance Request

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, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

**A. Description of Hardship.** Provide evidence the applicant cannot realize a reasonable return demonstrated by competent financial evidence:

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**B. Unique Circumstances.** Describe how the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the zone or neighborhood:

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**C. Character of Neighborhood.** Describe how the proposed use would not alter the essential character of the neighborhood:

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**D. Not self-created.** Describe how the alleged hardship is not self-created:

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## Disclosure Affidavit

I affirm that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Property owner or applicant signature: \_\_\_\_\_