



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of 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). 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 Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to 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.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. 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.
7. 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.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. 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 Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

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

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



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Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to 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. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



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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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Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

D. Substantial. Describe whether or not the requested variance is substantial in nature:

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.



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F. Not self-created. Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Disclosure Affidavit

I maintain 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: _____