



Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date: _____

Received By: _____

APPLICANT REQUEST:

Project Address: _____

SBL #: _____

Action Desired:

Reason:

CONTACT INFO:

APPLICANT INFO

Name / Business: _____

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business: _____

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: _____

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

<input type="checkbox"/>	Applicant
<input type="checkbox"/>	Project Sponsor

Town Use Only:

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Directions for Applicants Requesting a Variance

Application Process

The applicant must be the property owner or an authorized representative of the property owner at the time of the variance request. It is the responsibility of the applicant to submit the following information to the Planning and Zoning Department:

1. A completed and signed Request for Action form.
2. A copy of an official survey stamped by a licensed surveyor or engineer.
3. Photographs, drawings, or any other description necessary to describe the requested variance.
4. A signed Access Consent Form which allows members of the Zoning Board of Appeals (ZBA) to access and inspect the property.
5. Signed Neighbor Notification Forms from all adjoining property owners indicating they are aware of the applicant's request along with the hearing date / time.
6. A completed and signed Property Variance Staking Agreement.
7. A non-refundable fee of \$50.00 payable to the Town of Clarence for the public notice and hearing.

Applications are due per the Zoning Board of Appeals Yearly Schedule. The schedule is published separately from this Variance Application Packet and made available on the Town of Clarence Website.

Contact the Planning and Zoning Office at (716) 741-8933 with questions.

Prepare Your Property for Inspection:

1. Identify the property by house number or a sign visible from the road.
2. Stake the appropriate points on your property where the variance is being requested. Example: corners of proposed structure, the leading edge of sign or proposed parcel line(s).

Public Notice and Hearing

1. Official notice will be published in the Clarence Bee or Buffalo News at least five (5) days before the hearing date.
2. A Zoning Officer will post an informational sign at the property location of the variance request. The sign must remain on the property, as the Zoning Officer will typically retrieve it the day after the meeting.
3. All interested parties will be allowed to speak. Statements should be complete and concise.
4. The applicant must appear personally or by an authorized representative. If the applicant is being represented by an authorized representative, a written authorization shall be submitted with the application. Such written authorization shall be subject to Town Attorney review.
5. The meeting is held at Town Hall at 5:30pm.

The Zoning Board of Appeals is a five-member Board comprised of local citizens who may deny, approve, conditionally approve, or table your request. If the above information is not provided before the application deadline, your case will be postponed until the next available meeting. The above notes have been compiled for informational purposes only. If you have any questions please contact the Planning and Zoning Office.

Variance Criteria

Purpose of a Zoning Ordinance and Granting Variances

The purpose of a Local Zoning Law is to protect the health, welfare and safety of the residents in the community. Any change in land use should protect the value of the surrounding neighborhood or provide a more enjoyable/pleasing community. A requested variance will only be granted if the applicant can pass the tests outlined in Town Law Section 267-b that are summarized in this informational packet.

Area Variance

An area variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood community by such grant. In making such determination the Board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Use Variance

A use variance shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals, for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. That the applicant cannot earn a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
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.

The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Access Consent Form

I hereby consent to allow members of the Town of Clarence Zoning Board of Appeals to access my property, identified below, for the purpose of considering a request for a variance.

Address of Property _____

Name _____

Signature _____

Date _____

The members of the Zoning Board of Appeals may be visiting your premises during any reasonable hour of the day in order to better understand your request. Please follow the directions for preparing your property for inspection included in this packet.

Property Variance Staking Agreement

Please Take Notice, that the property must be staked prior to 10:00am one week before the Tuesday Zoning Board of Appeals meeting.

Property that is not staked so as to properly identify the requested variance may be subject to tabling same to a future meeting.

I _____ (*print name*) hereby understand and agree to properly stake the property to identify the requested variance and understand that failing to do so may result in my matter being tabled to a future meeting.

Signature _____

Date _____

Neighbor Notification Form

A public hearing will be held at the Clarence Town Hall (1 Town Place) on

Tuesday _____ / _____ / _____ **at 5:30 pm**

to hear a request for a variance to the Clarence Town Code regarding property located at:

Address _____

Applicant / Owner _____

I/We, the undersigned, own the property which adjoins the above described property and have been informed of the variance requested in accordance with the drawing attached hereto.

Address _____

Owner Name(s) _____

Owner Signature(s) _____

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