

# TOWN OF CHEEKTOWAGA GUIDELINES FOR ZONING BOARD OF APPEALS REQUESTS

## BUILDING INSPECTION OFFICE:

1. Applications are available in the Building Inspections Office.
2. Application must be presented to the Code Enforcement Officer along with a copy of your survey between the hours of 9:00 AM - 10:00 AM or 3:00 PM - 4:00 PM Monday through Friday. **Also, if the applicant is not the owner, a copy of a letter authorizing the applicant to file for the request, must be attached.**
3. The application must be initialed by the Code Enforcement Officer before the Town Clerk will accept it.

## TOWN CLERK'S OFFICE:

1. Application is submitted to the Town Clerk's Office, along with a fee of \$100.00 (payable to the Town of Cheektowaga).
2. This application must be filed no later than 4:00 PM the 3rd Wednesday of the month prior to the scheduled meeting (no exceptions).  
**NOTE: ALL APPLICATIONS FILED AFTER 4:00 P.M. ON THE FILING DEADLINE WILL BE CONSIDERED AT THE FOLLOWING MONTHS MEETING.**
3. Copies of all applications are sent to the Zoning Board Members, the Town Attorney, Building Inspections Department and the Erie County Department of Environment and Planning.
4. Notification is sent to abutting property owners.
5. The Zoning Board meets every third (3rd) Wednesday of the month at 7:00 P.M. in the Town Hall Council Chambers

## FOLLOWING THE MEETING:

1. The Town Law Department will prepare a resolution of approval, approval with conditions or a denial.
2. The written decision of the Zoning Board of Appeals will be forwarded to the applicant via U.S. Mail or electronically via email if an email address is provided.
3. If approved, the applicant may then apply for a building permit.
4. A building permit must be obtained within 6 months of the date of approval and construction must begin within 6 months of approval of the building permit.

## THE FOLLOWING SECTION IS FOR COMPLETING QUESTION NUMBER 3 ON PAGE 2 OF THE APPLICATION:

### DISCLOSURE - SECTION 809 OF THE GENERAL MUNICIPAL LAW

EVERY APPLICATION, PETITION OR REQUEST SUBMITTED FOR A VARIANCE, AMENDMENT, CHANGE OF ZONING, APPROVAL OF A PLAT, EXEMPTION FROM A PLAT, OR OFFICIAL MAP, LICENSE OR PERMIT, PURSUANT TO THE PROVISIONS OF ANY ORDINANCE, LOCAL LAW RULE OR REGULATION CONSTITUTING THE ZONING AND PLANNING REGULATIONS OF A MUNICIPALITY SHALL STATE THE NAME, RESIDENCE PARTNERSHIP OR ASSOCIATION MAKING SUCH APPLICATION, PETITION OR REQUEST (HEREINAFTER CALLED THE APPLICANT) TO THE EXTENT KNOWN TO SUCH APPLICANT.

FOR THE PURPOSES OF THIS SECTION AN OFFICER OR EMPLOYEE SHALL BE DEEMED TO HAVE AN INTEREST IN THE APPLICANT WHEN HE/SHE, HIS/HER SPOUSE, OR THEIR BROTHERS, SISTERS, PARENTS, CHILDREN, GRANDCHILDREN, OR THE SPOUSE OF ANY OF THEM

- (1) IS THE APPLICANT,
- (2) IS AN OFFICER, DIRECTOR, PARTNER, OR EMPLOYEE OF THE APPLICANT, OR
- (3) LEGALLY OR BENEFICIALLY OWNS OR CONTROLS STOCK OF A CORPORATE APPLICANT OR IS A MEMBER OF A PARTNERSHIP OR ASSOCIATION APPLICANT, OR
- (4) IS A PARTY TO AN AGREEMENT WITH SUCH AN APPLICANT, EXPRESS OR IMPLIED, WHEREBY HE/SHE MAY RECEIVE ANY PAYMENT OR OTHER BENEFIT, WHETHER OR NOT FOR SERVICES RENDERED, DEPENDENT OR CONTINGENT UPON THE FAVORABLE APPROVAL OF SUCH APPLICATION, PETITION OR REQUEST
- (5) OWNERSHIP OF LESS THAN FIVE PERCENT OF THE STOCK OF A CORPORATION WHOSE STOCK IS LISTED ON THE NEW YORK OR AMERICAN STOCK EXCHANGES SHALL CONSTITUTE AN INTEREST FOR THE PURPOSES OF THIS SECTION.

A PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

# Town of Cheektowaga Zoning Board of Appeals Request

Office of Building Inspections  
Cheektowaga Town Hall  
3301 Broadway  
Cheektowaga, New York 14227 (716) 686-3490 686-3516 fax



**Application for:** (check one)

- Area Variance                       Temporary Permit                       Special Permit (resident professionals/two family dwellings)
- Use Variance                       An interpretation of the Zoning Law                       Certificate of Zoning Compliance

The undersigned ( \_\_\_\_\_ representing)  
\_\_\_\_\_, owner of the property located at \_\_\_\_\_

Cheektowaga, New York, hereby appeals to the Zoning Board of Appeals from the decision of the Code Enforcement Officer not to approve \_\_\_\_\_ on the above referenced property, which property is located in a \_\_\_\_\_ Zoning District, as per the plans, data and application hereto filed and which are attached and made part of this application.

**A. AN AREA VARIANCE TO THE ZONING LAW IS REQUESTED BASED ON THE FOLLOWING:**

1) Describe why you believe that the character of the neighborhood/community will not change, and/or why there will not be a detriment to nearby properties if the Zoning Board of Appeals grants you a variance:

\_\_\_\_\_

2) Describe why it necessary for you to obtain a variance, rather than modify your project to meet the minimum requirements of the Zoning Law:

\_\_\_\_\_

3) Is your need for a variance a result of your own actions (is your difficulty self created)?

\_\_\_\_\_

**B. A TEMPORARY PERMIT/SPECIAL PERMIT IS REQUESTED FOR THE FOLOWING REASONS:**

1) \_\_\_\_\_

2) Describe why you feel that the temporary permit/special permit will :

a. be in harmony with the general purposes and intent of the Zoning Law;

b. not tend to depreciate the value of adjacent property;

c. not create hazard to health, safety or general welfare;

d. not alter the essential character of the neighborhood nor be detrimental to the residents thereof;

e. not otherwise be detrimental to the public convenience and welfare.

\_\_\_\_\_

3) If you are requesting a temporary permit :

a. how many months is your request for?

\_\_\_\_\_

b. what is the purpose / use intended?

\_\_\_\_\_

C. does it involve the erection or enlargement of any structure?

\_\_\_\_\_

DOCUMENT ID NUMBER \_\_\_\_\_

9/15/2011

Receipt Number \_\_\_\_\_ Paid \_\_\_\_\_

C. AN INTERPRETATION OF ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_ OF THE ZONING LAW IS REQUESTED BECAUSE:

Four horizontal lines for providing the reason for the request.

ANSWER THE FOLLOWING ADDITIONAL QUESTIONS :

1) Has a Zoning Board of Appeals request application previously been filed for the subject property? If yes, indicate date(s) of application and determination(s) made.

Horizontal line for answer to question 1.

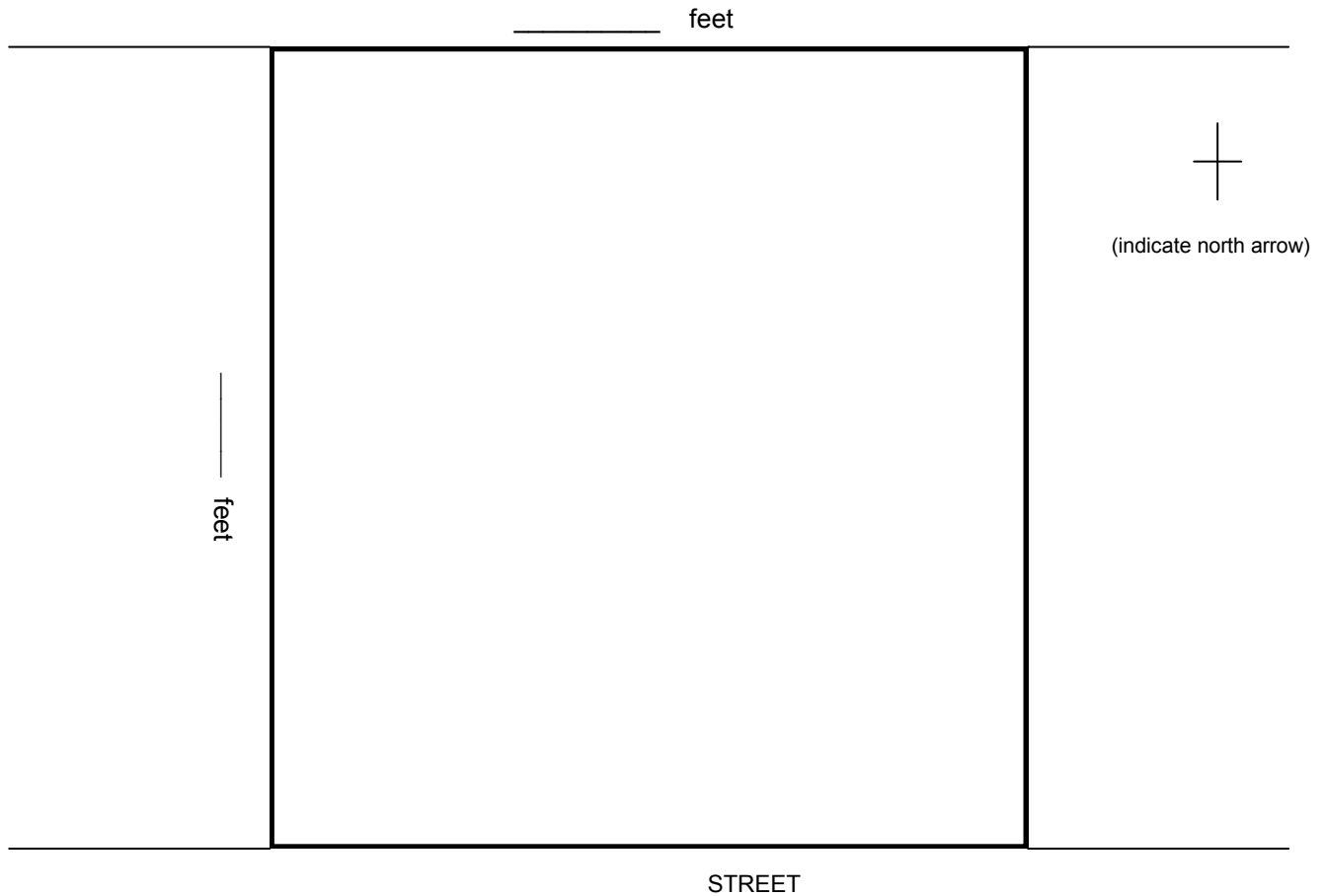
2) Are there any private restrictions (i.e. deed, easements) as to uses or setbacks, building lines, etc. on this property?

Horizontal line for answer to question 2.

3) State whether Section 809 of the General Municipal Law is applicable to this application? (see instructions/guidelines).

Horizontal line for answer to question 3.

4) Using the diagram box below, show property lines and actual dimensions of the lot to be built upon, the size and shape of the main building and other accessory buildings existing on the lot. Show all proposed structures and their dimensions and distances to nearest property lines and nearest on site structures. A separate site plan may be attached in lieu of the diagram box below. All applications must be accompanied by a property survey reflecting existing conditions.



I HEREBY SWEAR that all statements made herein are true and that all drawings submitted correctly show the situations involved in this appeal. I hereby submit the sum of \$100.00 payable to pay the cost associated with this application.

STATE OF NEW YORK )
COUNTY OF ERIE )
OF )

SS :

Subscribed and sworn to before me
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
NAME OF APPLICANT — PLEASE PRINT LEGIBLY

\_\_\_\_\_  
ADDRESS TO BE NOTIFIED

\_\_\_\_\_  
CITY/TOWN/STATE/ZIP CODE

\_\_\_\_\_  
EMAIL ADDRESS / PHONE NUMBER

***Page 3 to be completed only when a use variance is being requested***

**D. A USE VARIANCE IS REQUESTED BECAUSE THE APPLICABLE REGULATIONS AND RESTRICTIONS HAVE CAUSED UNNECESSARY HARDSHIP AS DEMONSTRATED BY THE FOLLOWING:**

1) I as applicant cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

FIANCIAL EVIDENCE PROVIDED:      YES       NO  (financial evidence is required as per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood?

---

---

---

---

---

3) Describe why you believe that the essential character of the neighborhood/ community will not change if the zoning Board of Appeals grants you a use variance?

---

---

---

---

---

4) Is your need for a variance a result of your own actions (is your difficulty self created)? Please explain.

---

---

---

---

---

---

---

**ZONING LAW SECTIONS / BUILDING INSPECTIONS DEPARTMENT COMMENTS**

Article \_\_\_\_\_, Section \_\_\_\_\_ / Article \_\_\_\_\_, Section \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

Permit Required \_\_\_\_\_

239 of Gen. Mun. Law Applies     yes     no

REVIEWED BY : \_\_\_\_\_

DATE: \_\_\_\_\_