



# Area Variance Application - Modifications

City of Buffalo - Office of Strategic Planning

**The following are modifications to the Area Variance application requirements and process during the Covid 19 crisis**

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1. Per the normal application process, a project must first be registered with the Department of Permit and Inspection Services (DPIS). During Registration, DPIS staff will provide a Notice of Denial (NOD) indicating an area variance from the Zoning Board of Appeals is required prior to receiving a building permit. During the Covid 19 crisis, an appointment is required prior to meeting with DPIS staff in 301 City Hall. For more information or to register online, go to [www.buffalony.gov/722/Permit-Process](http://www.buffalony.gov/722/Permit-Process).
2. Complete the area variance application that follows and provide any additional pertinent documentation per the requested submittals listed on page 2 of the application.
3. Email the completed/signed area variance application, NOD, and additional pertinent documentation to John Fell at [jfell@city-buffalo.com](mailto:jfell@city-buffalo.com). If possible email a link to a file sharing site instead of attaching the documents directly to the email.
4. Mail or deliver one copy of the variance application package (including the NOD) to: Buffalo Zoning Board, City Hall Room 901, 65 Niagara Sq., Buffalo, NY 14202.
5. Mail or send by courier one hardcopy of the variance application package to: Buffalo Zoning Board, C/O COB Mailroom, City Hall Room 901, 65 Niagara Sq., Buffalo, NY 14202.
6. During the Covid 19 crisis, meetings for the Zoning Board of Appeals are being held "virtually," rather than "in person." For more information or to view the meeting schedule and submittal deadlines, go online to: [www.buffalony.gov/386/Zoning-Board-of-Appeals](http://www.buffalony.gov/386/Zoning-Board-of-Appeals).

## **Additional information**

The New York State Department of State provides resources regarding applying for variances and the zoning board of appeals and, including:

- Guidelines for Applicants to the Zoning Board of Appeals - [www.dos.ny.gov/lq/publications/Guidelines\\_for\\_Applicants\\_to\\_the\\_Zoning\\_Board\\_of\\_Appeals.pdf](http://www.dos.ny.gov/lq/publications/Guidelines_for_Applicants_to_the_Zoning_Board_of_Appeals.pdf)
- Zoning Board of Appeals - [www.dos.ny.gov/lq/publications/Zoning\\_Board\\_of\\_Appeals.pdf](http://www.dos.ny.gov/lq/publications/Zoning_Board_of_Appeals.pdf)



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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. 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 from Room 901 City Hall).
3. Attach to this form all requested submittals in the requested submittals section on page 2 of this application.
4. Deliver seven (7) copies of the completed Area Variance Application Form with attachments to Room 901 City Hall. Include one (1) Compact Disc (CD) or USB flash drive with an electronic copy (PDF preferred) of the form and attachments. If applicant is unable to provide an electronic copy, notify Office of Strategic Planning Staff.
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. 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. Ten (10) days prior to the scheduled public hearing, all applicants for variances must install a 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 within the Posted Notice Section 496-11.2.2.C. of the City Code. The sign can 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:  
John Fell, (716) 851-4533, JFell@City-Buffalo.com  
Angela Webber, (716) 851-4064, AWebber@City-Buffalo.com

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 \$100 For applications regarding one (1) or two (2) unit dwellings.  
\$200 For all other applications respective of the above.



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## Requested Submittals

Include the following as appropriate:

### 1. All Variance Applications

- Photos of the site of the variance request.

### 2. Variance applications for new construction or additions

#### A. Site Plan

Submit: Seven (7) copies measuring no larger than 11" x 17"

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)

Submit: Seven (7) copies measuring no larger than 11" x 17"

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 and on-street parking.

### 4. State Environmental Quality Review Act (SEQRA) compliance

Depending on the type of project, a Short Environmental Assessment Form may also be required. For more information, go to [www.buffalony.gov/870/State-Environmental-Quality-Review-Act-S](http://www.buffalony.gov/870/State-Environmental-Quality-Review-Act-S). For assistance with SEQRA questions, please contact Jason Paananen at [Jpaananen@City-Buffalo.com](mailto:Jpaananen@City-Buffalo.com).



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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.

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**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.

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

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

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**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: \_\_\_\_\_

### Office Use Only

Date form received: \_\_\_\_\_ A/P#: \_\_\_\_\_

Internal Checklist:

- Use Variance Form (7 copies)
- Site Photo(s)
- Site Plan and Architectural Elevations (if appropriate)
- Fee (\$100 or \$200)

Date of Determination of Completeness: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

- Approved
- Approved with modifications
- Disapproved