



# TOWN OF PARMA

## Zoning Board of Appeals Checklist and Application

### REQUIREMENTS FOR ALL APPLICATIONS

If any required items from the list below are missing and/or the submittal is not readable and skillfully prepared the application **WILL NOT BE** placed on the agenda.

A complete application consists of the following forms and documentation. Except where otherwise specified, 8 copies of each form/item of documentation should be collated into packets no larger than 8½" by 11".

- The application form filled out completely and accurately, typed or printed. **(Required)**
- A survey/site map showing the proposed structure. Structures can be drawn on an existing survey if labeled **"SKETCH"**. **(Required)**
  - All instrument surveys/site maps shall include the following information:
    - Front, side, and rear property lines with lengths indicated.
    - ALL structures (new and existing)
    - Front, side, and rear setbacks of all structures (new and existing)
    - Easements (If any)
    - Driveways
    - Any abutting roads and the name(s) of such road(s)
    - North arrow and scale
    - Distance of structural wall on most affected abutting property from common property line.
- A sketch, drawn to scale and signed, showing any proposed new structure or additions to existing structures. Each sketch must show the design, dimensions, wall height, and include material descriptions. **(Required, However, can be substituted with Architectural Drawings)**
- The Floorplan must be included for all structures, new homes, storage structures (including sheds and pole barns), additions, decks, and other similar structures. Floorplans for **storage structures requesting a size variance must include the interior layout, with dimensions, of all planned equipment and contents. (Required)**
- Architectural elevations – If the variance requested concerns a new home, large storage structures or an addition to an existing structure, architectural elevations, with scale indicated, **may be required**. Contact the Building Department to determine if this is applicable.
- A Detailed business plan If the application involves a business. **(Required)**
- Any other materials, such as photographs, property records, neighbor support letters, financial records, cost estimates, engineer reports, maps, landscape plans, equipment specifications, details, etc. which would further clarify and support the application. **(Applicable items Required)**
- Submission of the appropriate application fee (\$300). This fee covers the cost of the legal ad, which appears in the Suburban News, and part of the administrative costs involved. The check should be made payable to the "TOWN OF PARMA". **(Required)**



# TOWN OF PARMA

## Zoning Board of Appeals

### **COMPLIANCE WITH THE FOLLOWING RULES WILL IN NO WAY GUARANTEE APPROVAL OF AN APPLICATION.**

**It may even be necessary for the board to request additional information to make its decision.**

The Zoning Board of Appeals meets on the third Wednesday of each month at 7:00 P.M. local time at the Parma Town Hall, 1300 Hilton Parma Corners Road, Parma, New York.

**The burden of proof for all applications is on the applicant**, who should be prepared at the time of the public hearing to describe the application, state the necessity for the application, and show compliance with the applicable tests for approval (see attached sheets applicable specifically to area variance). The applicant, or the applicant's duly authorized agent, must appear at all public hearings held on the application. Failure to appear may result in automatic denial.

**The requirements set out in this packet for the applications to the Zoning Board of Appeals are not to be considered all-inclusive. Depending on the nature and scope of a particular application, it is the prerogative of the Building Inspector, or the Zoning Board of Appeals to request more information of the applicant.**

A complete package of application materials must be filed with the Building Department of the Town of Parma on or before the submission deadline for the required hearing date of the application. A schedule of public hearing dates, including submission deadlines, is available from the Building Department secretary. **An application to the Zoning Board of Appeals will not be accepted until all required materials have been deemed to be complete and accurate.** The Board has adopted a policy of accepting only the first six (6) complete applications submitted for any one agenda. **All application materials will be available for public review.**

The Zoning Board of Appeals is made up of community members. All members are expected to visit the project site at their convenience. **If you have any visitation restrictions such as times/dates etc., please notify the Building Department so specific arrangements can be made.**



# NEW YORK STATE

## STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b.

### § 267-b. Permitted action by board of appeals.

#### *Power to Grant Area Variances*

#### 3. Area variances.

- (a) The Zoning Board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

#### *Tests for Granting Area Variances*

- (b) 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 or 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.

#### *Minimum Variance Necessary*

- (c) The Zoning Board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

#### *Power to Impose Conditions*

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.



# TOWN OF PARMA

## APPLICATION FOR AN AREA VARIANCE

(See Instructions and Procedures Attached) Fee: \$300.00

Date Paid: \_\_\_\_\_

Town Zoning requires that all variances shall be revoked unless a Building Permit is obtained within 9 months and construction commenced within 15 months of approval by the Zoning Board of Appeals and a site plan, if needed, shall be approved by the Planning Board within 12 months and construction commenced within 18 months of approval by the Zoning Board of Appeals. Refer to Town Zoning Chapter 165, subsection 165-22 for the full text.

**1. I (we) hereby apply to the Zoning Board of Appeals to grant:**

\_\_\_\_\_ an area variance \_\_\_\_\_ a use variance \_\_\_\_\_ a Special Permit

\_\_\_\_\_ other (describe): \_\_\_\_\_

**2. LOCATION:** Lot No. \_\_\_\_\_ of the \_\_\_\_\_ Subdivision

House No. \_\_\_\_\_ Road or Street \_\_\_\_\_

Located on the \_\_\_\_\_ side of the road \_\_\_\_\_ feet from the intersection

with \_\_\_\_\_ Road or Street

Current Zoning District: \_\_\_\_\_

**3. OWNER:** \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

AGENT: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

If the applicant is not the owner or if there is an applicant/agent, please explain: \_\_\_\_\_

**4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

\_\_\_\_\_  
(Owner or Applicant Signature)

\_\_\_\_\_  
(Date)

# NEW YORK STATE



## STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

### TESTS FOR GRANTING AREA VARIANCES

*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 or community by such grant.  
In making such determination, the board shall also consider the following:*

*(Please answer the following questions to the best of your knowledge)*

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

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2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

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## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

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4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

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***Note consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;***

5. Is the alleged difficulty self-created?

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