

**City of Olean**  
**Department of Fire, Buildings, & Emergency Services**  
**Code Enforcement Division**

Olean Municipal Building, Rm. 212  
P.O. Box 668, 101 E. State Street  
Olean, NY 14760  
716-376-5683, 716-376-5707 (fax)

**Area Variance Application**

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For Office Use Only  
Application #: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

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

To: The Zoning Board of Appeals

I \_\_\_\_\_  
(owner/applicant)

I \_\_\_\_\_ (applicant, if different from owner) \_\_\_\_\_ (relationship to owner)

hereby make application to the Zoning Board of Appeals for the City of Olean, New York for an Area Variance to permit the premises known as \_\_\_\_\_ (location)

to vary from the lot area, lot width, yard, height, lot coverage or other dimensional requirement of the Zoning Law.

Detailed description of request: \_\_\_\_\_

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**Variance request will vary from the requirement(s) of:**

Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Law.  
Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Law.

***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 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
- (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.

**It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit to the applicant does not outweigh the detriment to the community or neighborhood.**

\_\_\_\_\_  
(owner's signature) \_\_\_\_\_ (date)

\_\_\_\_\_  
(applicant's signature) \_\_\_\_\_ (date)

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**Area Variance**

**14.0.3 Powers and duties.** *The zoning board of appeals shall have all the powers and duties prescribed by law and this law, which are more particularly specified as follows:*

1. Interpretation. It shall be the responsibility of the zoning board of appeals to hear and decide appeals from, and review, any order, requirement, decision, or interpretation made by the code enforcement officer.
  
2. Area variances.
  - a. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the code enforcement officer, to grant area variances from the lot area, lot width, yard, height, lot coverage or other dimensional requirements of this law.
  
  - 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 zoning board of appeals 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; and/or
    - (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; and/or
    - (3) Whether the requested area variance is substantial; and/or
    - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and/or
    - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the zoning board of appeals, but shall not necessarily preclude the granting of the area variance.
  
  - c. If the zoning board of appeals, in its discretion, shall grant an area variance, it 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.