

AREA VARIANCE REVIEW PROCESS

Submit completed Zoning Board of Appeals application

Pay one-hundred dollar (\$100) **non-refundable** application fee

Submit letter of intent

Submit survey with proposed structure indicated on the survey with all proposed setbacks shown

Submit elevations of proposed structure

Applicant shall adhere to all requirements set forth in 6 NYCRR Part 617 as they relate to the State Environmental Quality Review (SEQR)

If required by General Municipal Law Section 239-m, attend Wayne County Planning Board meeting (see schedule)

Attend Village of Newark Planning Board meeting (see schedule)

Attend Village of Newark Zoning Board meeting (see schedule)

Village Law Section 7-712 (b)(3) requires the Zoning Board of Appeals to balance two elements in its decision of an area variance:

- ❖ The benefit to the applicant from the variance
- ❖ The detriment to the health, safety and welfare of the community and/or neighborhood that would occur if the variance were to be granted

Also, the following five (5) factors are considered by the Board:

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 variance
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance
3. Whether the requested 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 (that it will not necessarily preclude the granting of the area variance)