

# Duties of the Zoning Board of Appeals

In New York, a Zoning Board of Appeals (ZBA) primarily hears and decides appeals from decisions made by zoning enforcement officials, granting use and area variances, and interpreting zoning laws, ensuring fair and equitable application of zoning regulations.

Here's a breakdown of their key duties:

- **Hearing and Deciding Appeals:**

The ZBA serves as an appellate body, reviewing decisions of zoning enforcement officials (like zoning administrators or building inspectors) regarding zoning ordinance interpretations, orders, requirements, or determinations.

- **Granting Variances:**

ZBA has the power to grant variances, which are exceptions to zoning regulations, either to use a property in a way that's not otherwise permitted by zoning regulations or to deviate from dimensional requirements.

- **Use Variance:** Grants permission for a property to be used for a purpose that is not allowed in that zoning district, requiring the applicant to demonstrate hardship and that the variance won't alter the essential character of the neighborhood.
- **Area Variance:** Permits deviations from dimensional or physical requirements of zoning regulations, like lot size or setbacks, where strict adherence would cause undue hardship.

- **Interpreting Zoning Law:**

The ZBA plays a crucial role in interpreting the zoning ordinance, ensuring a fair and consistent application of the law across the municipality.

- **Safety Valve:**

In essence, the ZBA acts as a "safety valve" to prevent zoning laws from creating undue hardship or inequities for property owners.

- **Ensuring Validity of Zoning:**

The ZBA is also designed to help ensure the validity of zoning laws and practices.