

Zoning Board of Appeals Application
Area &/or Use Variance

Code Enforcement Office
City Hall, 258 Main Street
Oneonta, New York 13820-2589
607-433-3435
607-432-0945 (fax)
codeenforcement@oneonta.ny.us (email)
www.oneonta.ny.us

Application Fee: \$ 150.00

Received By: _____

Date Received: _____

- This completed application, the fee, & all required supporting documentation must be submitted to the Code Enforcement Office at least 3 weeks prior to the scheduled meeting in order to be included on the agenda.
- All documentation (except this form) must also be submitted in digital format via email, cd, dvd, or usb flash drive.
- This application expires 6 months after the date submitted if incomplete.

Property Address: _____

Tax Map #: _____

Property Owner's Information:

Person's Name: _____

Company Name: _____

Business Owner's Information:

Business Name: _____

Person's Name: _____

Company Name: _____

If not the business name

Applicant's Information:

Property Owner's Representative

Potential Buyer

Person's Name: _____

Company Name: _____

Mailing Address: _____

Street _____ Apartment # _____ Suite # _____

PO Box # _____

City _____ State _____ Zip _____

Phone: _____

Email Address: _____

Signature: _____

PART I

1. Describe all existing uses of this property:

- Vacant Land
- Residential: _____ Dwelling units Rental property
- Commercial: _____

- Public Assembly: _____

- Other: _____
- _____
- _____
- _____
- _____

2. Describe all proposed uses of this property:

- No Change
- Residential: _____ Dwelling units Rental property
- Commercial: _____

- Public Assembly: _____

- Other: _____
- _____
- _____
- _____
- _____

3. Reason for review: (check all that apply)

- New use:
 - Not permitted in this zone *Use variance*
 - Increase # of unrelated individuals to more than 3 *Use variance*
 - Insufficient parking *Site plan review*
- Pre-existing non-conforming use:
 - Increase # of bedrooms *Special extension of a non-conforming use*
 - Change in use of rooms to from non-habitable space to habitable space *Special extension of a non-conforming use*
 - Construction: additions, alterations &/or new buildings *Special extension of a non-conforming use*
 - Insufficient parking *Site plan review*
- Parking:
 - Creating new:
 - Cannot create/expand parking in this zone *Area variance*
 - Does not comply with driveway size, parking space size &/or setback requirements *Area variance*
 - Located in a front yard *Area variance*
 - Exceeds maximum permitted impervious surface coverage *Site plan review*

- Changing existing:
 - Cannot create/expand parking in this zone *Area variance*
 - Exceeds maximum permitted impervious surface coverage *Site plan review*
- Pre-existing non-conforming parking *Area variance*
 The parking was created on the front yard &/or corner lot side yard facing a street before the adoption of the code that prohibits front yard parking. The right to continue this parking expires in 2027. A zoning variance has not been previously approved for this parking.
- Construction: additions, alterations &/or new buildings:
 - Does not comply with minimum building height, frontage, lot size &/or setback requirements *Area variance*
 - Exceeds maximum permitted impervious surface coverage *Site plan review*
 - New building larger than 200 square feet or addition larger than 600 square feet *Site plan review*
- Lot line adjustments: *Area variance*
 - Does not comply with minimum building height, frontage, lot size &/or setback requirements *Area variance*
 - Exceeds maximum permitted impervious surface coverage *Site plan review*
- Signs *Area variance*

4. Explain your proposal:

PART II: AREA VARIANCE Not Applicable

The following plans & drawings must be submitted with this application:

1. If changes are being made to the exterior of the property (including parking):
 - a. Site Plan Drawings
2. If changes are being made to the interior of a building, the # of bedrooms is increasing &/or the amount of habitable space is increasing:
 - a. Building Plans
3. If changes are being made to the exterior of a building:
 - a. Elevation Drawings

4. If a new building is being built:
 - a. Building Plans
 - b. Elevation Drawings
 - c. Site Plan Drawings
5. If a lot line is changing or a lot is being subdivided or multiple lots are being combined:
 - a. Property Survey

All drawings must include the property address, the title of the drawing, the date the drawing was made, & the name of the person who made the drawing. All drawings must meet the following criteria: (a) If hand-drawn, drawings must be done with a straight edge & to scale. The scale must be written on the drawing. (b) Multiple drawings cannot be on the same page. (c) Drawings cannot be on paper that is smaller than 8½" x 11". (d) See additional requirements below.

1. Building Plans:

- a. One (1) drawing of the each floor level of the building, including attics & cellars labeled "existing" showing:
 - 1) What floor level it is.
 - 2) What each room is used for. If the attic &/or cellar are not being used for anything other than storage or utility purposes, please state that on the drawing.
 - 3) Where all the exits from each room & floor level are.
 - 4) What the dimensions of each room are, including ceiling heights if sloped or less than 7'.
 - 5) The dimensions of all stairways, exit doors, & exit windows.
 - 6) If the attic &/or cellar are finished &/or used for anything other than storage &/or utility purposes, please state that on the drawing.
- b. One (1) drawing of the each floor level of the building, including attics & cellars labeled "proposed" showing:
 - 1) The same information as the existing drawing. If there are not going to be any changes, please write that on the existing drawing instead of providing a proposed drawing.

2. Elevation Drawings:

- a. One (1) drawing of the each side of the building labeled "existing" showing:
 - 1) What side of the building it is.
 - 2) Where all windows, doors, stairways, signs, etc are located.
- b. One (1) drawing of the each side of the building labeled "proposed" showing:
 - 1) The same information as the existing drawing. If there are not going to be any changes, please write that on the existing drawing instead of providing a proposed drawing.

3. Site Plan:

- a. One (1) drawing of the entire property labeled "existing":
 - 1) The location & name of every street that borders the property.
 - 2) Buildings (including sheds, carports, decks, stairs, ramps, etc), pools, walkways, etc: The location, area, & distance to each property line.
 - 3) Parking areas (including parking spaces, driveways, & maneuvering lanes), fences, retaining walls, etc: The location, dimensions, & distance to each property line.
 - 4) Signs: The location & distance to each property line.
 - 5) Indicate on the drawing if any ground is covered by an impervious surface. An impervious surface is anything through which water cannot infiltrate. This includes, but is not limited to, asphalt driveways, walkways, & patios.
- b. One (1) drawing of the entire property labeled "proposed" showing:
 - 1) The same information as the existing drawing. If there are not going to be any changes, please write that on the existing drawing instead of providing a proposed drawing.

Please note:

- 1) When measuring from a building (etc) to a street, show the distance to the inside of the City sidewalk. If there is no City sidewalk, then measure to the City right-of-way. If you do not know where the right-of-way is, please contact the Engineering Department at 607-432-6465.
- 2) A survey can be submitted in lieu of the existing drawing only if no changes have been made to the property since the survey was completed. A sheet of paper with any required information that is not listed on the survey must also be submitted.

PART III: USE VARIANCE OR SPECIAL EXTENSION OF A NONCONFORMING USE Not Applicable

1. Explain what the unique features or conditions of this premises are which make it different from the rest of the neighborhood:

2. Explain why the character or quality of the neighborhood will not change if this application is approved:

3. Explain the reasons you will not be able to realize a reasonable return from this premises if this application is denied:

4. Explain what significant economic injury you will incur if this application is denied:

If you are applying for a use variance or a special extension of a nonconforming use, you are asking for a change in the use of the land in a manner or for a purpose which is not allowed or is prohibited by applicable zoning regulations. A use variance or a special extension of a nonconforming use may be granted only if **ALL** of the following tests are met:

1. The proof listed below. A variance or extension **CANNOT** be granted until monetary figures are provided. Other evidence such as the inability to sell the property is helpful, but only supplements the financial proof.
2. The hardship is unique—it does not apply to a substantial portion of the district or neighborhood. The proper remedy when a hardship caused by the ordinance affects most of the neighborhood is to request that Common Council change the zone.
3. The requested variance or extension, if granted, will not alter the essential character of the neighborhood.
4. The hardship has not been self-created. For example, a self-created hardship applies if the property was purchased when the zoning restriction already existed.

Financial evidence that the owner cannot realize a reasonable return as currently zoned must be provided with this application. Examples include, but are not limited to:

1. Purchase price, present value, & asking price.
2. Real estate taxes, & mortgages or liens.
3. Cost of demolishing structures & erecting a new one.
4. Cost of obtaining necessary area variances.
5. Projected income from the proposed use.

PART IV: SITE PLAN REVIEW (SPR) Not Applicable SPR already submitted & reviewed by
 Planning Commission
 Zoning Board of Appeals

If SPR has not already been submitted & reviewed, this application will also be used for the SPR.

1. Sketch Plan Conference (SPC)

§ 300-75 A Site Plan Review applications require that specific drawings & documentation be
§ 300-74 E submitted with the application. The applicant can request a SPC with the Planning
Commission regarding these drawings & documentation.

- a. Has a SPC application already been submitted & reviewed by the Planning Yes No
Commission or Zoning Board of Appeals?

No: Are you submitting all of the specific drawings & documentation Yes No
with this application?

If no, this application will also be used for the SPC.

Yes: Planning Commission Zoning Board of Appeals

2. Environmental Assessment Review (SEQR)

§ 300-75 B (7) (a) Site Plan Review applications require that an Environmental Assessment Review
also be completed.

- a. Has a SEQR form already been submitted & reviewed by the Planning Yes No
Commission or Zoning Board of Appeals?

Yes: Planning Commission Zoning Board of Appeals

The following documentation must be submitted with this application. All documentation must include the property address & the date it was made.

1. Estimated project construction schedule.
2. Supply a map showing the property & all properties within a radius of 200 feet to the exterior boundaries thereof.

All drawings must include the property address, the title of the drawing, the date the drawing was made, & the name of the person who made the drawing. All drawings must meet the following criteria: (a) If hand-drawn, drawings must be done with a straight edge & to scale. The scale must be written on the drawing. (b) Multiple drawings cannot be on the same page. (c) Drawings cannot be on paper that is smaller than 8½" x 11". (d) See additional requirements below.

1. Site Plan:
 - a. Additional drawing criteria:
 - 1) A North arrow.
 - 2) A scale of 1" = 50', with 2' contours showing the topography of the lot & areas within 50' of the lot.
 - b. One (1) drawing of the entire property:
 - 1) Boundaries of the property & adjoining properties within 200' plotted to scale.
 - 2) Existing watercourses & freshwater wetlands, as identified by the New York State Department of Environmental Conservation & the United States Army Corps of Engineers.
 - 3) Locations & widths of all ingress, egress & circulatory drives & access points to existing roads & highways; locations of all parking &/or truck loading areas.
 - 4) Locations & dimensions for pedestrian & bicycle access, along with existing & proposed circulation patterns & stops for local/regional transit service.
 - 5) Locations for outdoor storage, including refuse, if any.
 - 6) Locations & dimensions of all existing or proposed site improvements, including drains, culverts, retaining walls, sidewalks, & fences.
 - 7) Locations of all proposed site & building mounted signs.
 - 8) The location & amount of building area proposed for various uses of the site, including all points of ingress & egress.
 - 9) The location, width, & purpose of all existing & proposed easements, setbacks, reservations & areas dedicated to public use on the site(s) & property(ies).
 - 10) Location of vehicle, equipment, & material staging areas, storage & stockpile areas, & other areas to be utilized & disturbed during construction, including the location of portable restroom facilities.
 - 11) Proposed routes & access points for construction traffic.
2. Grading Plan:
 - a. One (1) drawing of the entire property:
 - 1) A grading plan showing existing & proposed contours, including spot elevations along structures & site improvements where appropriate to determine the flow of surface runoff. The inclusion of arrows denoting surface flow direction is also preferred where appropriate.
 - 2) Line(s) denoting limits of disturbance, clearing, grubbing, & grading as appropriate. Protective fencing for areas & vegetation to be preserved & undisturbed throughout construction shall also be shown.

- 3) Documents & plans pursuant to the requirements of the New York State Pollution Discharge Elimination System (SPDES), including a completed Storm Water Pollution Prevention Plan (SWPPP) for Zoning Board review.
 - 4) Construction management plan & an inspection schedule as required by the Code Enforcement Officer.
3. Utilities Plan:
- a. One (1) drawing of the entire property:
 - 1) The locations & size of water, sanitary sewer & storm sewer lines & appurtenances & connections to utility services, including all invert & grate elevations. Where possible, the inclusion of arrows denoting the flow of storm & sanitary sewers is preferred.
 - 2) Locations of fire & other emergency zones, including the location of fire hydrants & building sprinkler system connection points.
 - 3) Locations of all fuel & energy exploration, generation, transmission, distribution & storage facilities, including but not limited to electricity, natural gas, propane, motor vehicle fuels, & wind, solar & geothermal energy systems
 - 4) Locations of outdoor lighting facilities, including the locations of poles, bollards, & building mounted fixtures. Where appropriate & upon request, a photometric plan shall also be prepared & submitted for review & approval by the Zoning Board & Code Enforcement Officer.
 - 5) Locations of telephone, cable & other telecommunications devices & facilities.
4. Building Plans:
- a. One (1) drawing of the entire property:
 - 1) Floor plans showing the location of all building ingress & egress points.
 - 2) Elevation plans denoting the type of construction & construction materials, & exterior dimensions of all building elements & facades. Building elevations shall include structures on adjoining lots to indicate the scale & massing of the proposed structure in relation to the area.
5. Detail Plans:
- a. One (1) drawing of the entire property:
 - 1) The design dimensions & type of construction of all driveways, parking areas &/or loading areas.
 - 2) The design & construction materials of all proposed site improvements, including drains, culverts, retaining walls, & fences.
 - 3) The design & construction materials to be used for all water & sewer lines & appurtenances.
 - 4) The design of all fire hydrants.
 - 5) The design & construction materials of all fuel & energy exploration, generation, transmission, distribution, & storage facilities.
 - 6) The design dimensions, type of construction materials, including illumination, of all proposed signs.
 - 7) The design & construction, including dimensions, of outdoor lighting facilities & the area of illumination on subject & adjacent properties.
6. Landscape Plans:
- a. One (1) drawing of the entire property:
 - 1) The location & dimensions of proposed buffers, screening & fence areas specifying materials & vegetation; include existing vegetative cover & proposed areas of lawn & groundcover.
 - 2) A general landscaping plan & planting schedule specifying types & size of vegetation. The size of vegetation at installation & upon maturity shall be noted on the plans.

7. Color Renderings

FOR CODE ENFORCEMENT OFFICE USE ONLY

Documentation submitted:

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Application fee | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Property survey | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Environmental Assessment Form (SEQR) | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Estimated project construction schedule | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Map showing properties that surround this property | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Use variance financial documentation | <input type="checkbox"/> Not required | |
| <input type="checkbox"/> Site plan drawing | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Grading plan | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Utilities plan | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Building plans | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Detail plans | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Landscape plans | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Elevation drawings | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |
| <input type="checkbox"/> Color renderings | <input type="checkbox"/> Not required | <input type="checkbox"/> Waived by Board |

Zoning District: R-1 R-2 R-3 R-4 MU-1 MU-2 C/I U POS PUD

Meeting Date: _____ Approved Denied Expired Withdrawn by Applicant

Notes: _____

