

Next meeting date: _____
Completed application and fee due: _____

AREA VARIANCE APPLICATION PROCEDURE GUIDELINES FOR THE TOWN OF OSWEGO ZONING
BOARD OF APPEALS

1. ALL APPLICATIONS: Please complete the enclosed application for area variance with as much detail as possible. Make sure to answer all relevant questions. **Do not leave any blanks unless the question is not applicable (please place N/A if not applicable).** All applications must be accompanied by detailed diagrams showing lot size, adjoining roads, driveways, the location and dimensions of all buildings including building heights and the distance of all buildings from all lot boundaries. It is the sole responsibility of the applicant to provide the Zoning Board of Appeals (ZBA) and **one original and nine (9) copies** of the application and all necessary information and documentation concerning this application. The ZBA will make its determination solely on the basis of the information and material that it is provided; therefore, the burden of proof is on the applicant to prove the necessity of the request. There is a **\$200.00** filing fee with the submission of each application. This fee is not refundable once presented to the ZBA and shall not be used to cover any other fee, permit, etc. Unless otherwise specified by the ZBA Board, a decision on any variance shall expire if the applicant fails to obtain any necessary permit or comply with the conditions of such permit within 6 months from the date of authorization thereof. Before work is started, please obtain a permit from the Code Enforcement Office. Please be advised that construction must comply with all regulations of the Town of Oswego Building Code and the New York State Uniform Fire Prevention and Building Code. The ZBA meets the 3rd Thursday of every month (barring holidays) and **all applications must be submitted, along with the fee, on or before the deadline date. Please check with the Code Enforcement Office for the deadline dates. The completed application and fee is submitted to the Code Enforcement Office, 2320 Co Rt. 7, Oswego, NY 13126.**

Example of items that may be enclosed in support of the application:

- (a) Property card (Assessor's records)
- (b) Tax records
- (c) Appraisal
- (d) Business records (maintenance costs, tax records/returns, utility bills)
- (e) Renovation documents (if applicable)
- (f) Business proposal (if applicable)
- (g) Photos

- (h) Survey map of property
- (i) Neighborhood letter of support (if applicable)
- (j) Map/photos/layout of neighborhood
- (k) Purchase documents

2. AREA VARIANCE: An area variance is a variance granted by the ZBA that allows a structure to be built and/or renovated despite the fact that certain square footage, distance or requirements are minimum lot size requirements, minimum lot width requirements, minimum lot coverage requirements, maximum lot coverage requirements, front, side and/or rear yard setback requirements, maximum building height and minimum gross floor area. An area variance may be granted upon a showing of practical difficulties, which include a significant economic injury, for the property owner.

3. STANDARDS: Please make sure to answer all questions in detail. You must clearly demonstrate that:

- (a) the applicant will suffer a significant economic injury unless the area variance is granted. The purchase price of the property and the value of the property as zoned are relevant. *This burden is not met by a showing of what the property would be worth if the area variance were granted;*
- (b) the requested variance will not produce an undesirable change in the character of the neighborhood. If the applicant can prove that a significant economic injury will be incurred, the ZBA may balance the applicant's significant economic injury against the potential harm which granting the area variance might have on the Town's zoning pattern. This balancing process however, will only be implemented upon a showing by the applicant of a significant economic injury;
- (c) no detriment will be created to nearby properties. If the area variance will create a substantial detriment to adjoining properties then it may be denied;
- (d) there was no other feasible method available to you to pursue in order to achieve the benefit you seek other than the requested variance. The ZBA will consider whether the difficulty can be eliminated by a method other than the requested variance;
- (e) the requested area variance is not substantial
- (f) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(g) the variance is the minimum necessary to grant relief from your difficulty. The ZBA may grant the least relief, or smallest variance necessary to relieve the practical difficulties.

In making its determination, the ZBA will take into consideration the benefit to you if the area variance is granted as weighted against any detriment to the health, safety and welfare of the neighborhood or community.

4. SELF-CREATED HARDSHIP: Although not an absolute bar to an area variance request, if the situation, which necessitated the request, is self-created, it is a factor, which may be taken into consideration by the ZBA *against* the granting of an area variance.

The Town of Oswego will meet with the property owner, if desired, to help prepare/explain the application process. Should you require assistance please contact Donald LaBarge, Code Enforcement Officer, 2320 County Route 7, Oswego, NY 13126. (315) 343-0485.

Do not copy and submit "Procedure Guidelines" as part of your application package

**OSWEGO ZONING BOARD OF APPEALS
CASE WORKSHEET AREA VARIANCE**

*****Dear applicant: This checklist is for your use to help you in determining that your application is complete. Do not make copies for submission with your application.*****

ISSUES CHECKLIST: Have the following points which must be demonstrated in order for the Board to grant an area variance been addressed? (check as completed)

1. Has the benefit of the variance to the applicant been weighed against any detriment to the health, safety and welfare of neighborhood or community at large? In making this determination the Board shall consider:
 - a. Will there be an undesirable change produced in the character of the neighborhood? Notes: _____

 - b. Is there some means other than a variance that is feasible to resolve this problem? Notes: _____
 - c. Is the requested variance substantial? Notes: _____

 - d. Will the variance, if granted, adversely impact on physical or environmental conditions? Notes: _____
 - e. Has the problem been self-created? This factor may be considered but does not necessarily disallow an area variance. Notes: _____

2. Is the variance to be granted the minimum needed to resolve the problem while preserving and protecting the character of the neighborhood and the public health safety and welfare? Notes: _____

3. Are there conditions that the Board may wish to impose in granting a variance in order to minimize any adverse impacts on the neighborhood or community? Notes: _____

General Notes: _____

**TOWN OF OSWEGO
ZONING BOARD OF APPEALS
APPLICATION FOR AREA VARIANCE**

Date: _____

1. Applicant(s): _____

2. Contact Person: (if not shown in #1) _____

3. Address: _____

4. Phone: _____ E-Mail: _____

5. Address where variance is requested: _____

Tax Map #: _____ Zoning District: _____

6. Property Owner (if different than applicant): _____

(If applicant is not the property owner a notarized statement giving authorization to the applicant must be obtained from the property owner and submitted with this application.)

7. Date property acquired by applicant: _____

8. If the area variance is granted, will the applicant be performing the changes?
Yes No

9. If not, please provide the name, address and phone number of the contractor(s): _____

10. Please describe in detail the changes you plan to make on the premises: _____

11. Please explain how you will suffer a significant economic injury unless the area variance is granted: _____

12. Please provide the following information to support how you will suffer a significant economic injury:
(a) Amount paid for the property in question: _____
(b) Date of purchase of the property: _____
(c) Present market value of the property or any part thereof: _____
(d) Basis upon which the present market value of the property (from (c) above) was obtained: _____
(e) Assessment and amount of taxes on the property in issue: (if applicable) _____
(f) Amount of mortgages and other encumbrances: (if applicable) _____
(g) Income from the land in issue: (if applicable) _____
(h) Any other relevant facts particular to the facts of the case: _____

13. Please explain why the requested variance will not produce an undesirable change in the character of the neighborhood: _____

14. Please explain why no detriment will be created to nearby properties: _____

15. Please explain the reasons why there is no other feasible method available to you to pursue in order to achieve the benefit you seek other than the requested area variance: _____

16. Please explain why the requested area variance is not substantial: _____

I/WE HEREBY CONSENT TO ALLOW MEMBERS OF THE ZONING BOARD OF APPEALS, UPON REASONABLE NOTICE TO ME/US, THE RIGHT OF ACCESS TO MY/OUR PROPERTY FOR THE PURPOSE OF VIEWING AND INSPECTING THE PROPOSED AREA VARIANCE, WHICH IS A SUBJECT MATTER OF THE PROCEEDING HEREIN BEFORE THE ZONING BOARD OF APPEALS.

I/we certify that the information submitted with this application for area variance is true to the best of my/our knowledge and belief.

I/We certify that the information submitted with this application for a use variance is true to the best of my/our knowledge and belief.

Printed name of applicant

Printed name of applicant

Signature of applicant

Signature of applicant

Please use the attached sheet of paper if you require further space clearly indicating which questions you are answering.

Remember that is the sole responsibility of the applicant to provide sufficient information and documentation concerning this application. Because the determination is made solely on the basis of information provided to the ZBA, it is to the applicant's benefit to include as much supporting information as possible.

Additional comments: _____

