

**TOWN OF ONONDAGA
ZONING BOARD OF APPEALS
5020 BALL RD
SYRACUSE, NY 13215**

PLEASE READ THE FOLLOWING CAREFULLY:

The Zoning Board of Appeals (“ZBA”) is created in accordance with Section 267 of the Town Law.

Pursuant to Section 285-39(B)(1) of the Town of Onondaga Zoning Ordinance (“Zoning Ordinance”), the ZBA has the power to review any order or decision of the duty designated enforcing official. Within this context, the ZBA has three (3) basic responsibilities or powers: 1) hearing and deciding variances (exceptions to the Zoning Ordinance); 2) hearing and deciding requests for specific Use Permits (permitted uses requiring special review under the Zoning Ordinance); and 3) interpretations of the Zoning Ordinance.

To appear before the ZBA, the following procedures will ordinarily occur:

1. First an applicant must have received a formal decision (quite likely a denial) to an application for a development permit (building, sign, alteration, grading, etc.) from the Building/Code Enforcement Office.
2. An applicant may then elect to appeal to the ZBA based on the denial of the permit, or, as may be authorized, apply directly to the ZBA for the relief requested which may involve an “Area” or “Use” variance, a specific Use Permit, or interpretation of the Zoning Ordinance or a combination of the foregoing.
3. Following receipt of an appeal and a complete application, the ZBA will fix a reasonable time for a public hearing and give appropriate public notice.

In certain circumstances the matter may require referral for recommendation to the Syracuse Onondaga County Planning Agency (“SOCPA”). In this event, SOCPA must by law make a recommendation prior to the ZBA voting. For this reason, a decision on an application may be delayed.

The ZBA normally meets the First and Third Tuesdays of the month at 7 PM, although this schedule may be subject to change. For an application to be placed on the ZBA’s agenda, a **COMPLETE** application must be filed with the Building/Codes Enforcement Department, 315-469-3144, **at least 20 days before the meeting** will be held.

VARIANCE SUBMITTAL REQUIREMENTS:
INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Submit **ten (10)** collated copies and one (1) in electronic .pdf format of the following:

- 1.) Application **One application must have an original signature.**
- 2.) Accurate, current property survey prepared by a licensed land surveyor. The survey must designate existing structures and proposed structures or additions to scale. The survey shall show all boundary distances from rear line, front line, and side lines to its closest point.
- 3.) Site plan, floor plans, and, if applicable, a parking plan and, photographs. The site plan of the property, drawn to scale, must show the dimensions of the lot, all existing buildings, and the exact size and location of the proposed construction, including the dimensions from the front, side, and rear boundaries of the lot.
- 4.) State Environmental Quality Review (SEQR) Short Form (complete PART 1 only). **One SEQR form must have an original signature.**
- 5.) Application Fee. The application fee must accompany the application and is non-refundable.
 - Area Variance (Sheds, Decks) \$50.00
 - Area Variance (all others) \$200.00
 - Special Permit \$200.00
 - Use Variance \$500.00
 - SWPPP Review Deposit (>1 Acre) \$1500.00
- 6.) Copy of Code Enforcement written Determination/Denial Form.
- 7.) Proof of ownership of the property, including legal description (ex: deed, tax bill).

The applicant will be notified in writing by means of regular U.S. Postal Service when the matter is scheduled to be heard by the ZBA. Please be advised that the owner or his/her authorized agent(s) must attend the ZBA meeting and public hearing.

TYPES OF APPLICATIONS

The following are brief descriptions of three (3) types of relief the ZBA is authorized to hear and decide and the criteria to be considered. Please note, applicants bear the burden of proof when requesting relief. Therefore, at the public hearing, the ZBA will offer applicants the opportunity to address the criteria listed below. Applicants may present on their own behalf, call witnesses, and/or submit written evidence. It is an applicant's responsibility to demonstrate compliance of the standards established by the Zoning Ordinance and the laws of the State of New York. Consequently, applicants may wish to retain an attorney and/or design professional to properly assist in presenting your case.

The ZBA wishes all applicants, and their agents, realize that the below standards are only illustrative and have been set forth in greater detail in the Zoning Ordinance, the New York State Town Law and by the Courts of the State of New York.

- A. AREA VARIANCE.** Where a property owner does not comply with setback, lot area, parking, or other dimensional or physical requirements of the Zoning Ordinance, the applicant will be required to furnish competent proof of why he or she is entitled to an "*Area Variance*." In this regard, an applicant must be prepared to show the benefit to him or her 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 this determination the ZBA is obligated to apply a balancing test considering the following five (5) factors:

- (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 alleged difficulty was self-created.
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the requested Area Variance is substantial;

- B. USE VARIANCE.** A "*Use Variance*" is required to establish an activity or use of property which would not otherwise be permitted in the zoning district by the applicable regulations under the Zoning Ordinance. A Use Variance permits a use of land that is otherwise prohibited.

- (1) In this regard, the ZBA cannot grant a Use Variance without a showing by the applicant that the applicable zoning regulations have caused unnecessary hardship.
- (2) To prove unnecessary hardship, the applicant must demonstrate to the ZBA that for each and every permitted use under the Zoning Ordinance for the district in which the property is located:
 - a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

- b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- c) that the requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
- d) that the alleged hardship has not been self-created.

The ZBA may grant a Use Variance only if **each** of the four (4) criteria above has been met; failure to satisfy one or more of the statutory requirements means that the variance must be denied.

Conversely, where the applicant meets all the criteria, the Use Variance may be granted.

The ZBA, in the granting of Use or Area Variances, 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.

The ZBA shall, in the granting of both Use Variances and Area Variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. SPECIAL PERMIT USES.

- (1) The ZBA after public hearing may grant permits for Special Uses if it finds that:
 - (a) The use will not create a hazard to health, safety, morals or public welfare.
 - (b) The use will not depreciate or tend to depreciate the value of surrounding property.
 - (c) The use will not be detrimental to the neighborhood and will not alter the essential character of the area.
 - (d) The use possesses characteristics that will blend desirably with the neighboring property and will secure the objective of this chapter.
 - (e) The location, size of the use and structure, nature and intensity of the operation involved, size of the site in relation to it, and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
 - (f) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings.
 - (g) The use shall not conflict with the Town's land use plan or any part thereof.

- (h) The proposal will provide proper controls for vehicular and pedestrian movement so that the public safety is maintained, undue traffic congestion is avoided and the efficient functioning of highways is promoted.
- (i) The proposal will not significantly increase the possibility of nuisance, odors, dust or noise from the site.
- (j) The proposal provides for adequate parking in accordance with the provisions of §285-33.
- (k) The proposal will not adversely impact on any unique cultural, historical, architectural or other special characteristics of the site or neighboring sites.
- (l) The use will be provided with adequate supporting services such as fire and police protection, public and private utilities and other supporting governmental services.
- (m) Any private residential noncommercial tower shall be no higher than the distance from its base to the lot line. The Zoning Board of Appeals may grant such a permit subject to such terms and conditions as it may deem necessary and proper.
- (n) With respect to nurseries, that:

[1] *Access driveways and roads will be located at least 50 feet from the nearest residential property line.*

[2] *Proper buffering, consisting of fencing and vegetative screening, is provided between the nursery and all neighboring residential properties.*

[3] *No equipment or vehicles will be parked within 100 feet of the nearest residential property line.*

[4] *No products other than trees, flowers and shrubs may be stored within 50 feet of the nearest residential line.*

[5] *No manure, dust or odor-producing substance may be located or stored within 200 feet of the nearest property line.*

**APPLICATION
TO THE TOWN OF ONONDAGA
ZONING BOARD OF APPEALS**

DATE RECEIVED: _____
FEE: _____
RECEIVED BY: _____
APPLICATION #: _____ **20**

AREA VARIANCE **SPECIAL PERMIT** **USE VARIANCE**

1.) Name of Applicant: _____

Applicants Address: _____

City/State/Zip: _____

Title: _____ Email: _____ Phone # _____

2.) Project Address: _____

City/State/Zip _____

3.) Property Owner's Name: _____ Phone # _____

4.) Property Owner's Address/City/State/Zip: _____

5.) Property Owner's Email: _____

6.) Tax Map No: ____.-____-____ Zoning District: _____ Subdivision: _____ Lot No: _____

7.) The above property was acquired by applicant(s) on: _____

8.) Attorney Name: _____ Email: _____ Phone # _____

Mailing Address: _____

9.) Adjoining properties and properties located across street, road, highway: (use additional pages if necessary.)

Name: _____ Mailing Address: _____ Tax Map# _____

Name: _____ Mailing Address: _____ Tax Map# _____

Name: _____ Mailing Address.: _____ Tax Map# _____

Name: _____ Mailing Address.: _____ Tax Map# _____

10.) REQUIRED ACKNOWLEDGEMENTS: (PLEASE INITIAL AND SIGN WHERE INDICATED)

_____ I have read the application(s) of the ZBA attached hereto and am aware of the recommendation and requirements contained therein.

_____ I understand that it is my responsibility to present legal proofs as described in the NY State, Town Law and Town of Onondaga Zoning Code as outlined in the application so that the board may make an informed decision.

SIGNATURE OF APPLICANT DATE

SIGNATURE OF OWNER DATE

**TOWN OF ONONDAGA
ZONING BOARD OF APPEALS
AREA VARIANCE ADDENDUM**

Name of Applicant: _____

Property Tax Map# _____ Zoning District: _____

Explain: Request and Reason for Request:

In its consideration of Area Variance, the Board of Appeals shall take into account 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. Address the following five (5) factors, as they relate to your application: (use an additional sheet, if necessary)

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.
Applicant response: _____

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.
Applicant response: _____

3.) Whether the need for the variance was self-created or was caused by factors outside the control of the applicant.
Applicant response: _____

4.) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
Applicant response: _____

5.) Whether the requested Area Variance is substantial.
Applicant response: _____

**TOWN OF ONONDAGA
ZONING BOARD OF APPEALS
SPECIAL PERMIT ADDENDUM**

Name of Applicant: _____

Property Tax Map# _____ Zoning District: _____

An application for a Special Permit is automatically referred to the Town of Onondaga Planning Board, which may submit such report and recommendations as it deems proper and the ZBA may not take action until it receives said report and recommendations from the Planning Board.

Request:

Application(s) request(s) a Special Permit for the above described property pursuant to section _____ of the Town of Onondaga, Zoning Ordinance for the following purpose:

Reason for Request:

Note: The Zoning Ordinance requires that certain conditions must be established in fact before a special permit can be granted. (Explain fully how your case conforms to any of the required conditions outlined in the Zoning Ordinance)

**TOWN OF ONONDAGA
ZONING BOARD OF APPEALS
USE VARIANCE ADDENDUM**

Name of Applicant: _____

Property Tax Map# _____ Zoning District: _____

Existing Land Use: _____

Proposed Land Use: _____

The ZBA may not grant a Use Variance without a showing by the applicant that the applicable zoning regulations have caused “unnecessary hardship.” In order to prove unnecessary hardship, the applicant shall **respond in writing to each of the following criteria:** (Add additional sheets if necessary)

That for each and every permitted use under the Zoning Ordinance for the district in which the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence: **Applicant response**

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; **Applicant response**

3. That the requested Use Variance, if granted will not alter the essential character of the neighborhood; **Applicant response**

4. That the alleged hardship has not been self-created. **Applicant response**

**TOWN OF ONONDAGA
CODE ENFORCEMENT DENIAL FORM FOR VARIANCE(S)**

APPLICANT(S) NAME: _____

ADDRESS: _____

TYPE OF VARIANCE(S):

AREA VARIANCE _____ **SPECIAL PERMIT** _____ **USE VARIANCE** _____

DESCRIBE PROJECT BRIEFLY:

REASONING FOR DENIAL: INCLUDE SECTION(S)

DATE: _____

Signature: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)			
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)