

City of Syracuse
Office of Zoning Administration

VARIANCE APPLICATION

City Hall Commons - Room 500 * 201 E. Washington Street * Syracuse, NY 13202-1426
315-448-8640 * zoning@syrgov.net * www.syrgov.net/Zoning.aspx

Office Use Filing Date: Case: Zoning District:

VARIANCE REQUESTED (Check applicable and briefly describe.)

- Area Variance: _____
Cited Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____
- Use Variance: _____
Cite Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____

| <u>TAX ASSESSMENT ADDRESS(ES)</u> | <u>TAX MAP ID(S)</u> (000.-00-00.0) | <u>OWNER(S)</u> | <u>DATE ACQUIRED</u> |
|-----------------------------------|--|-----------------|----------------------|
| 1) _____ | _____ | _____ | _____ |
| 2) _____ | _____ | _____ | _____ |
| 3) _____ | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |

As listed in the Department of Assessment property tax records at <http://syrgov.net/Assessment.aspx> - 315-448-8280.

COMPANION ZONING APPLICATION(S) (List any related Zoning applications, if applicable, e.g., Resubdivision, Special Permit, Project Site Review, etc.)

- 1) _____ 2) _____ 3) _____

PROJECT CONSTRUCTION (Check all that apply and briefly describe.)

- Demolition (full and partial): _____
- New Construction: _____
- Façade (Exterior) Alterations: _____
- Site Changes: _____

PROJECT INFORMATION (Briefly describe, as applicable.)

Business/Project Name: _____

Current Land Use(s): _____

Proposed Land Use(s): _____

Number of Dwelling Units: _____

Days and Hours of Operation: _____

Number of Onsite Parking Spaces: _____

PROJECT DESCRIPTION (Provide a brief description of the project, including purpose or need.)

USE VARIANCE TEST (see [https://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf))

A Use Variance is permission to establish a land use which is not allowed by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that this has caused an unnecessary hardship using all of the four tests below. *Briefly describe below how each of the required Use Variance tests is met and attach all supporting materials.*

1. Describe how the property is incapable of earning a **reasonable return** on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted):

2. Describe how the property is being affected by **unique circumstances**, or at least highly uncommon circumstances:

3. Describe how the variance, if granted, will not alter the essential **neighborhood character**:

4. Describe how the hardship is not **self-created**:

AREA VARIANCE TEST (see [https://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf))

An Area Variance is permission to build in a portion of the property that is otherwise restricted by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that the potential benefit of an Area Variance will outweigh any burden to community health, safety and welfare through a five-part balancing test. *Briefly describe how an Area Variance would affect the community using the following five tests and attach all supporting materials.*

1. Describe 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. Describe whether the benefit sought by the applicant can be **achieved by some other method** which will be feasible for the applicant to pursue but would not require an area variance:

3. Describe whether the requested area variance is **substantial**:

4. Describe whether the proposed area variance will have an **adverse effect or impact** on the physical or environmental conditions in the neighborhood or district:

5. Describe whether an alleged difficulty is **self-created**.

City of Syracuse Office of Zoning Administration

PROPERTY OWNER(S) (required)

As listed in Department of Assessment property tax records (<http://syrgov.net/Assessment.aspx> - 315-448-8280). If not listed as the owner, please provide proof of ownership, e.g., a copy of the deed. Attorney's signing on behalf of the owner must include a letter describing the legal arrangement. If the property owner is a Corporation or Organization, the person signing must provide member verification. **Contract purchasers, tenants, architects, engineers, contractors, etc. CANNOT sign on behalf of the owner.**

| | | | | |
|-----------------------|----------------------------|--------------|----------------|---------------|
| <i>First Name</i> | <i>Last Name</i> | <i>Title</i> | <i>Company</i> | <i>Phone:</i> |
| <i>Street Address</i> | <i>Apt / Suite / Other</i> | <i>City</i> | <i>St Zip</i> | <i>Email:</i> |
| <i>* Signature:</i> | | | <i>Date:</i> | |

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| <i>* Signature:</i> | | | <i>Date:</i> | |

*** OWNER SIGNATURE DECLARATION**

I understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York. I declare that, subject to the penalties of perjury, any statements made on this application and any attachments are the truth and to the best of my knowledge correct. I also understand that any false statements and/or attachments presented knowingly in connection with this application will be considered null and void.

APPLICANT(S) (if applicable)

| | | | | |
|-----------------------|----------------------------|--------------|----------------|---------------|
| <i>First Name</i> | <i>Last Name</i> | <i>Title</i> | <i>Company</i> | <i>Phone:</i> |
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| <i>Street Address</i> | <i>Apt / Suite / Other</i> | <i>City</i> | <i>St Zip</i> | <i>Email:</i> |

REPRESENTATIVE(S)/CONTACT(S) (if applicable)

| | | | | |
|-----------------------|----------------------------|--------------|----------------|---------------|
| <i>First Name</i> | <i>Last Name</i> | <i>Title</i> | <i>Company</i> | <i>Phone:</i> |
| <i>Street Address</i> | <i>Apt / Suite / Other</i> | <i>City</i> | <i>St Zip</i> | <i>Email:</i> |

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Variance Application

PROCEDURES

Variance applications require a public hearing with the Board of Zoning Appeals at a regularly scheduled meeting, which are held every three weeks on Thursdays at 1:00 p.m. in the Common Council Chambers on the third floor of City Hall, unless otherwise noted. The annual meeting scheduled is posted at http://www.syr.gov.net/Board_of_Zoning_Appeals.aspx.

An application will not be considered complete and ready for a public hearing until all required submittals have been received and have been through a preliminary review by Zoning Office staff, including an evaluation of the application under the New York State Environmental Quality Review Act (SEQR). Applications are also referred out to other departments, typically the Departments of Public Works and Engineering, for review and comment as part of the SEQR review and to also assist with coordinating the project with their requirements.

This review process will ultimately make the process of obtaining any additional permits, like building permits, more efficient. Applicants will be required to address any comments, often through the modification of the application plans that must be resubmitted to the Zoning Office. This review process is often iterative in nature and may require additional review time if the project is complex.

Once an application is complete, reviewed, and ready for a public hearing, the application will be placed on the next available Board of Zoning Appeals meeting agenda to be authorized for a public hearing to be held at the following regularly scheduled meeting. Following the public hearing authorization, and at least ten (10) days prior to the public hearing date, a "Public Notice" will be published in Syracuse Post Standard as well as mailed to: the applicant and applicant's representative (if applicable); surrounding property owners within at least a 200 foot radius from the applicant's property; and to other City departments and neighborhood organizations. The application and its contents will then be available for inspection at the Syracuse Office of Zoning Administration and http://www.syr.gov.net/Board_of_Zoning_Appeals.aspx.

The applicant or their representative must attend the public hearing to present the variance request to the Board of Zoning Appeals. The Board of Zoning Appeals rules do not permit postponements due to the absences of applicants, or their representatives. A decision will typically be rendered on the same day as the public hearing, but occasionally public hearings will be held open to the next meeting pending additional information and/or further consideration. Once a decision is made, the final decision, in the form of a written resolution, will be adopted by the Board of Zoning Appeals and filed with the secretary to the Board at the next regularly scheduled meeting. A copy of the final resolution will be mailed to the applicant.

A variance, therefore, requires, in addition to the preliminary application submission and review, at least three separate meetings of the Board of Zoning Appeals, which are held every three weeks: the public hearing authorization, the public hearing, and the decision resolution adoption. Depending upon the type and complexity of the application, additional necessary reviews, and the public hearing schedule, the entire variance application process from the submission of the application to the release of the resolution may take nine weeks, or longer.

APPLICANTS PLEASE NOTE: Approval of your application by the Board of Zoning Appeals does not relieve you or your agent from compliance with any other regulatory or licensing provisions additionally required by other Federal, State, County, or City authorities. You are still required to pursue and obtain all applicable permits, such as building permits from the Division of Code Enforcement.

Variance Application

INSTRUCTIONS AND REQUIRED SUBMITTALS

Incomplete applications will not be processed.

Applications together with the required submittals listed below must be submitted in **HARD COPY, SINGLE-SIDED**, and **NOT BOUND** to the City of Syracuse Office of Zoning Administration, City Hall Commons – Room 500, 201 East Washington St., Syracuse, NY 13202-1426. Faxed or emailed submissions will not be processed.

Please submit **ONE (1) COPY** of the following:

- APPLICATION** – filled out completely, dated, and **signed by property owner as instructed**.
- DENIAL OF PERMIT** – provided by the City of Syracuse Central Permit Office at 315-448-8600.
- STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) Short Environmental Assessment Form (SEAF) - Part One** - filled out to the best of your ability, dated, and signed.
- PHOTOGRAPHS (COLOR)** of the **PROJECT SITE** keyed to a property survey or site plan.
- PHOTOGRAPHS (COLOR)** of the **STREETSCAPE**, including properties adjacent to and across the street from the project site, labeled with addresses and keyed to a property survey or site plan.
- APPLICATION FEE** – \$25 check or money order made payable to the Commissioner of Finance.

Please submit **THREE (3) FULL-SIZE AND TO-SCALE SETS** for review purposes, and **ONE (1) REDUCED SET** (11X17, or smaller) for copying, of the items listed below. All plans must include a title block with author, date, scale, and Property Tax Assessment address, and must be an accurate graphic representation of all pertinent information that can be correctly interpreted by any person without additional explanation. Plans do not need to be stamped by a licensed professional unless noted below.

- AS BUILT PROPERTY SURVEY(S)** of all involved properties illustrating **boundaries, easements, and current conditions** including structures, fencing, parking surface, and retaining walls if not illustrated on the Resubdivision or Lot Alteration Map (**signed and stamped by a licensed surveyor**).
- SITE PLAN(S)** illustrating site alterations and post project conditions that are/will be different from the As Built Property Survey:
 1. **Zoning** (density, setbacks, bldg. and parking surface coverage, screening) and **onsite parking requirements**
 2. **demolitions and post demolition conditions**
 3. **structures, facilities, utilities and drainage**
 4. **parking areas** including surface type, dimensioned spaces, number of spaces, traffic patterns, and coverage
 5. **loading dock and delivery areas**
 6. **dumpsters** and/or trash receptacles
 7. **landscaping** including type, height, and number of plantings
 8. **screening/ fencing including type and height** including parking, dumpsters, and site
 9. **lighting** including structure heights and luminaries wattage
 10. **ground signs**
 11. **STREET rights-of-way** conditions, existing and proposed, including curb cuts, driveways, sidewalks, and plantings
 12. **ENROACHMENTS**, existing or proposed, into the City rights-of-way including stairs, signs, and awnings
- EXTERIOR BUILDING ELEVATIONS** illustrating proposed exterior (façade) alterations, if applicable, with all dimensions, materials, and colors clearly illustrated and noted. (Schematics or color renderings can be submitted in addition to elevation drawings (plans), if available.)

FLOOR PLANS with all uses, dimensions, and square footages clearly labeled.

Commercial Layouts

1. Customer areas
2. Employee areas
3. Storage areas and restrooms
4. Office space
5. Counters, tables, chairs, booths
6. Stages, dance floors, DJ booths
7. Shelving and display areas
8. All kitchen equipment
9. Coolers, freezers, etc
10. Vending machines, amusement games, etc

Residential Layouts (Dwelling units)

1. Common areas (living and dining room, kitchen)
2. Bathrooms, hallways and closets
3. Bedrooms