

Application To The City Of Oneonta Zoning Board Of Appeals

Application Purpose _____

- Variance
- Code Interpretation
- Special Extension
- Functional Family Unit Determination

Application Fee: \$ 75.00

Received By: _____

Date Received: _____

Property Address: _____

Owner's Name: _____

Applicant's Name: _____

Applicant's Signature: _____

Mailing Address: _____

Street

City State Zip

Day Phone: _____

Area Code Extension

Answer the following question for all applications. Attach additional paper if necessary.

1. Explain your proposal:

Answer the following questions for variances only. Attach additional paper if necessary.

2. Explain the reasons you are not able to realize a reasonable return from the premises:

3. Explain what the unique features or conditions of the premises are which cause the hardship:

4. Explain why the requested variance will not change the character or quality of the neighborhood:

5. Explain what significant economic injury you will incur if you are denied the variance:

If all of the required information listed on the back of this form is not provided, the application will not be forwarded to the Zoning Board of Appeals.

DRAWINGS REQUIRED FOR THE ZONING REVIEW PROCESS

The drawings do not have to be done by a professional at this time but may be requested at a later date. The drawings can be hand-drawn and do not have to be to scale. It is preferred that any drawings that are hand-drawn be done on graph paper, but are not required to be. All drawings must meet the following criteria: (a) A straight edge must be used. (b) All measurements and descriptions must be noted and legible. (c) Drawings cannot be on paper that is smaller than 8½” x 11” or larger than 11” x 17”. (d) Multiple drawings cannot be on the same page.

USE VARIANCE

If you are applying for a use variance, 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. Financial evidence that the owner cannot realize a reasonable return as currently zoned must be provided with this application.

1. Examples of financial evidence include, but are not limited to:
 - a. Purchase price, present value, and asking price.
 - b. Real estate taxes, and mortgages or liens.
 - c. Cost of demolishing structures and erecting a new one.
 - d. Cost of obtaining necessary area variances.
 - e. Projected income from the proposed use.

A use variance may be granted only if ALL of the following tests are met:

1. The proof listed above. A variance **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 use variance, if granted, will not alter the essential character of the neighborhood.
 - a. 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.

FUNCTIONAL FAMILY UNIT DETERMINATION

If you are applying for a determination as to whether a group of unrelated individuals is a functional family unit as defined in Chapter 300 of the Code of the City of Oneonta, you must provide evidence of household stability with this application.

1. Examples of evidence include, but are not limited to:
 - a. Proof of sharing of expenses for rent, utilities and other household expenses.
 - b. Proof that different members of the household have the same address for the purposes of: voter registration, driver's license, motor vehicle registration, filing of taxes, summer or other residences.
 - c. Enrollment of dependent children in local schools.
 - d. Employment of householders in the local area.

APPLICATION TO THE CITY OF ONEONTA ZONING BOARD OF APPEALS

The following documentation must be submitted to the Code Enforcement Office with the completed Zoning Board of Appeals Application. If any documentation is not submitted and/or is not acceptable as submitted, the application will not be processed and forwarded to the Zoning Board of Appeals.

FOR ALL APPLICATIONS:

- \$75 application fee made out to the City of Oneonta (non-refundable)

FOR USE VARIANCES ONLY:

- Proof of financial hardship. See back of application for examples of proof.
- *Note:* the Board will decide at the meeting if the proof provided is acceptable and/or sufficient.

FOR FUNCTIONAL FAMILY UNIT DETERMINATION ONLY:

- Evidence of household stability. See back of application for examples of evidence.
- *Note:* the Board will decide at the meeting if the evidence provided is acceptable and/or sufficient.

A SITE PLAN REVIEW APPLICATION IS ALSO REQUIRED:

- When any driveway is being created or changed.
- When any parking area is being created or changed.
- When any structure is being demolished as part of the project.
- The Code Enforcement Office will make a determination prior to the meeting if it is needed for the specific use in the specific zone where the project is proposed.

A SHORT ENVIRONMENTAL ASSESSMENT FORM IS ALSO REQUIRED:

- When a significant amount of land is going to be disturbed as part of the project.
- *Note:* the Applicant fills out the front of the form. The Board fills out the back of the form at the meeting.

A SURVEY OF THE PROPERTY:

- A survey of the property is not required for the zoning review process unless the Board requests it at the meeting.

DRAWINGS BY A NEW YORK STATE LICENSED ARCHITECT/ENGINEER:

- Drawings by an architect/engineer are not required for the zoning review process unless the Board requests them at the meeting.

DRAWINGS THAT ARE REQUIRED:

The drawings do not have to be done by a professional at this time but may be requested at a later date. The drawings can be hand-drawn and do not have to be to scale. It is preferred that any drawings that are hand-drawn be done on graph paper, but are not required to be. All drawings must meet the following criteria: (a) A straight edge must be used. (b) All measurements and descriptions must be noted and legible. (c) Drawings cannot be on paper that is smaller than 8½” x 11” or larger than 11” x 17”. (d) Multiple drawings cannot be on the same page.

Site Plan Drawings:

- When required: always.
- One (1) drawing labeled “existing” showing: (a) the location of all buildings (including sheds, carports, etc), decks, fences, retaining walls, parking spaces, parking areas, driveways, maneuvering lanes, etc. (b) The size of all buildings, parking spaces, etc. (c) The distance from every property line to each building, parking space, etc. **Please note** when measuring 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.
- One (1) drawing labeled “proposed” showing: the same information as the existing drawing. If no changes are being made, please state that on the existing drawing.

Interior Building Footprint Drawings:

- When required: (a) all use variances. (b) All functional family unit determinations. (c) All new businesses. (d) All new buildings. (e) Any project where the layout of the interior of the building is changing. (f) Any project where the use of any room is changing.
- One (1) drawing of each floor level of the building labeled “existing” showing: (a) what floor level it is. (b) What each room is used for. (c) What the dimensions of each room are. (d) Where all the exits from each room are. (e) Where all the exits from that floor level are.
- One (1) drawing of each floor level of the building labeled “proposed” showing: the same information as the existing drawing. If no changes are being made, please state that on the existing drawing. **Please note** that if a new room or a room that is changing use has a ceiling height of less than 7’ 6”, please write that on the drawing.

Exterior Building Elevation Drawings:

- When required: (a) all new businesses. (b) All new buildings. (c) Any projects where the appearance of the exterior of the building is changing. (d) Any project where new signs are being installed. (e) Any project where existing signs are changing.
- One (1) drawing of each side of the building labeled “existing” showing: (a) what side of the building it is. (b) The location of all doors, windows, stairs, decks, and signs. (c) The measurements of the doors, windows, stairs, decks, and signs.
- One (1) drawing of each side of the building labeled “proposed” showing: the same information as the existing drawing. If no changes are being made, please state that on the existing drawing.