

VILLAGE OF MANLIUS
APPLICATION TO THE
ZONING BOARD OF APPEALS
FOR AN AREA VARIANCE

If the Codes Enforcement Officer denies an application because it does not comply with the Village Code, an applicant may appeal to the Zoning Board of Appeals for relief from the Village Code. The applicant must supply the following items to the Codes Enforcement Officer in order to be placed on the agenda for the Zoning Board of Appeals.

- 1) Completed application, signed and notarized
- 2) Short Environmental Assessment Form (attached) – fill out front only
- 3) Copy of certified survey map or diagram showing all necessary dimensions with regard to the proposed action
- 4) Check for \$100.00, made payable to the Village of Manlius
- 5) Eight copies of application and documents

The information above should be brought to the Village of Manlius Codes Enforcement Office, One Arkie Albanese Ave., Manlius. Please call Codes Officer, John Illingworth at 682-0305 or 720-8544 with any questions.

The Zoning Board of Appeals will schedule a Public Hearing. Property owners within 500 feet of your property will be notified of this Hearing. A meeting notice will also be published in the local newspaper.

You may bring photos, drawings, etc. with you to explain your situation to the Board. You may also bring letters of support from neighboring property owners if they are unable to attend the hearing.

The Zoning Board of Appeals is scheduled to meet on the 1st and 3rd Mondays of the month at 7:00 p.m. in the Village Centre Board Room. This application must be submitted at least two weeks prior to the meeting to be placed on the agenda.

NOTE: If you are granted the variance(s) requested, you must then contact the Codes Enforcement Officer regarding the building permit for your project.

STANDARDS OF PROOF – AREA VARIANCE

Asking the Zoning Board of Appeals for an Area Variance means that you want relief from the sections of the Village Code that pertain to distance and measurement. For example, your home is in an R-1 District and you want to build an addition that would be 5 feet from your side boundary. The Village Code requires a setback of at least 10 feet on one side and a total of 30 feet on both sides. Your permit would be denied because the addition will not meet the requirements of the Code.

You have the right to appeal to the Zoning Board of Appeals to grant a variance from that section of the Code. However, the Zoning Board of Appeals cannot grant any Area Variance unless proof is provided by you, the applicant, that your property warrants special treatment. The fact that you simply “want” a variance is not enough.

The New York State Legislature has enacted into law requirements that an applicant for an Area Variance must furnish proof to the Zoning board of Appeals establishing the following:

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 requested area variance is substantial;
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 alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

After you have presented your proof, the Zoning Board of Appeals will take into consideration the benefit to you, if the variance is granted, as weighed against the detriment of the health, safety and welfare of the neighborhood or community by granting the variance.

“Proof” is not just parroting these criteria. **You must produce “facts” so as to enable the Zoning Board of Appeals to carefully consider each of the criteria.** Then the Zoning Board of Appeals will weigh the benefit to you as contrasted with the detriment to the Village. Remember that this is your case. The Zoning Board of Appeals does not have the power to grant variances unless the required proof is furnished.

Appeal # _____ Zoning District _____ Tax Map # _____

Date Received _____ Application Fee \$ _____ Date Paid _____

APPLICATION TO THE
ZONING BOARD OF APPEALS
FOR AN AREA VARIANCE

** (to be filled out by the Codes Enforcement Office)

Applicant's Name _____ Phone _____

Mailing Address _____

Property Address _____

Proposed Action (description of construction, alteration, extension, restoration)

Please attach a site plan or survey of the property, drawn to scale, showing 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.

** The Codes Enforcement Officer has denied the Applicant a Building Permit on the grounds that the proposed action is not in conformity with Village Code Section(s) _____ for the following reasons

** The applicant requests an area variance from the following Section(s) of the Code, granting the following relief:

Code Section	Subject	Permitted	Proposed	Extent of Relief
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Does the parcel abut a County or State highway, park, public building or stream or drainage channel?

Yes _____ No _____

I am applying for an area variance for relief from the above mentioned Section(s) of the Village Code so that I may receive a building permit for the proposed construction. I believe that I should be granted this Area Variance because:
(see attached Standards of Proof – Area Variance)

Upon determining that they have received a complete application, the Zoning Board of Appeals will schedule a Public Hearing for this application. Notification of the date, time and location of this Hearing will be sent to the local newspaper and to all property owners within 500 feet of the subject property.

DISCLOSURE OF INTEREST

Pursuant to Section 809 of the General Municipal Law and Section 99-36 of the Code, every applicant for an area variance must certify the name, residence, and the nature and extent of the interest of any officer or employee of the State of New York, the Village of Manlius, the Town of Manlius, or the County of Onondaga, in the person, partnership, corporation, or association making such an application to the extent known to such applicant. The names, residences, and nature and extent of interest of all such public officers or employees are:

Please list any professionals who will be assisting you with your presentation

Name	Company	Profession	Telephone #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If the applicant is not the property owner, please have property owner fill out this section. All property owners must sign this application.

_____ is (are) the owner(s) of the subject property. The owner(s) has (have) read the foregoing application and hereby consent(s) to the relief being sought by the applicant.

(Owner's Signature)

(Owner's Signature)

Typed or Printed Name*

Typed or Printed Name*

* If the owner or applicant is a corporation, partnership, or association, state the title or office of the person executing the application on its behalf.

Dated: _____, 20__

(Applicant's Signature)

(Applicant's Signature)

Typed or Printed Name*

Typed or Printed Name*

Subscribed and sworn to before me this
_____ day of _____, 20__.

Subscribed and sworn to before me this
_____ day of _____, 20__.

Notary Public, State of New York
Qualified in _____ County
My Commission expires _____

Notary Public, State of New York
Qualified in _____ County
My Commission expires _____

VARIANCE(S) _____ APPROVED _____ DENIED

Conditions _____

Zoning Board of Appeals Chairman _____ Date _____

Codes Enforcement Officer _____ Date _____

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
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
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, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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)

PRINT FORM