

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 Arkle 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 300 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 _____