

REFERRAL PACKAGE - USE VARIANCE

ZONING BOARD OF APPEALS

A Use Variance permits a use of land that is prohibited by the zoning regulations thus, a variance that permits a commercial use in a residential district that permits a multiple dwelling in a district limited to single family homes, or which permits an industrial use in a district limited to commercial use.

Required Materials for Placement on Board Agenda

7 copies of all information: 5 for Board members, 1 for Code Enforcement Officer and 1 for file

1. Property Information Sheet
2. Short Form SEQR
3. Copy of survey map by certified surveyor containing property dimensions, showing all structures and distances between structures if within 50 ft. Survey map must also contain location of well and approximate location of septic system. Survey should also contain road names and owners of neighboring properties and proposed dimensions of lot splits
4. Map of the Town of Volney with property location highlighted.
5. Copy of a brief statement of applicant's intentions. Why they are making the application.
6. Sample design and dimensions of any commercial outside signage.

REFERRAL PACKAGE - REFERENCE

VARIANCE CRITERIA

If you are told that you will need a variance, you will be required to appear before the Zoning Board of Appeals. The ZBA should be looked upon as a judicial body. You should also look at a variance as an exception to the rule. Variances by their nature are rarely given. To be given a variance you must prove to the board that your particular circumstances justify issuance of the variance. Past court cases and judicial determinations have produced a specific set of criteria that the ZBA must use to decide if your application is deserving of a variance. It is important that you be aware of these criteria and structures your argument and present evidence that addresses the criteria.

Applications **must** be reviewed by the Code Enforcement Officer 14 days before the scheduled meeting.

Area Variance Criteria

Balancing Test: The Board must balance the benefit to the applicant with detriment to the health, safety & welfare of the community. In addition the Board should consider:

- 1) Whether benefit can be achieved by other means feasible to applicant.
- 2) Undesirable change in neighborhood character or to nearby properties.
- 3) Whether the request is substantial.
- 4) Whether the request will have adverse physical or environmental effects.
- 5) Whether alleged difficulty is self-created.

Use Variance Criteria

Applicant must demonstrate (**In writing**) to the board *unnecessary hardship*. To do this applicant must prove *all of the following in each and every case*.

- 1) Applicant cannot realize a reasonable return from any allowed use (one that does not require a variance) as demonstrated by competent financial evidence.
- 2) The alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
- 3) Requested variance will not alter essential character of the neighborhood.
- 4) Alleged hardship has not been self-created.

In either case, if a variance is approved the board would grant the minimum variance necessary and may impose reasonable conditions

TOWN OF VOLNEY
CODE ENFORCEMENT OFFICER'S REFERRAL

NAME OF APPLICANT _____ DATE _____

ADDRESS OF APPLICANT _____

IS APPLICANT OWNER OF THE PROPERTY? YES _____ NO _____

TELEPHONE # OF APPLICANT DAY _____ EVE _____ CELL _____

SPECIFIC ADDRESS & LOCATION OF PROJECT _____

PROPERTY IS PRESENTLY ZONED AG _____ R-1 _____ R-2 _____ B-1 _____ IND _____

APPLICATION NUMBER (OR TAX ID NUMBER) _____

INTENTIONS OF APPLICANT _____

DOES PLANS INVOLVE A COMMERCIAL BUSINESS? YES _____ NO _____

YOUR PROJECT CANNOT BE APPROVED BECAUSE IT REQUIRES:

USE VARIANCE _____ AREA VARIANCE _____ SITE PLAN REVIEW _____

SPECIAL USE PERMIT _____ WHY REVIEW IS NEEDED _____

VARIANCE IS NEEDED BECAUSE: _____

CEO based decision on Zoning Ordinance: # _____ Page # _____

ASSEMBLE REQUIRED MATERIAL AND RETURN TO CODE OFFICER AT LEAST 14 DAYS PRIOR TO THE BOARD'S MEETING DATE SO YOUR APPLICATION CAN BE PLACED ON THE BOARD'S AGENDA: REFER TO APPROPRIATE PAGE FOR MORE INFORMATION REGARDING THE PROCESS.

DATE OF NEXT BOARD MEETING _____ ON AGENDA? YES _____ NO _____

NAME OF CHAIRPERSON _____

TELEPHONE # OF CHAIRPERSON (H) _____ (Cell) _____

SIGNATURE OF CODE ENFORCEMENT OFFICER _____
Date _____

TOWN OF VOLNEY

1445 COUNTY ROUTE 6
 FULTON, NEW YORK 13069
 Tel (315) 598-3803 Fax (315) 598-6839

Property Information Sheet

Applicant Name _____ Application # _____

Property Address _____ Tax I.D. # _____

_____ Zoning Dist. _____

Parcel size: Total acres _____ Width (at road) _____ Depth _____

Is location bordering active farms? Yes ___ No ___

Is location of historic importance? Yes ___ No ___

Are there easements on property? Yes ___ No ___

If yes, please describe _____

What shape is the property? _____

Adjoining property information:

DIRECTION	OWNER'S NAME	PHONE	ADDRESS	ZONED
NORTH				
EAST				
SOUTH				
WEST				

Is parcel located within 500 ft of any of the following? Yes ___ No ___

If yes, which _____

- | | |
|--------------------------------|--|
| a) A municipal boundary | d) County or State building |
| b) County or State owned lands | e) Right of way of a County owned or used stream or drainage channel |
| c) County or State road | |

Is property located within a flood plain or floodway? Yes ___ No ___

Explain current use of property _____

Are there existing structures on parcel? Yes ___ No ___ If yes, describe _____

Is parcel primarily wooded? _____ Is public water available? _____ Sewer? _____

Current year owner purchased property (write NA if before 1972) _____

Is this the applicant's first time before the Planning or Zoning Board? Yes ___ No ___

State reason for Variance _____

Will property require review from both Planning and Zoning Boards? _____

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Current year owner purchased property (write NA if before 1972) _____

Is this the applicant's first time before the Planning or Zoning Board? Yes ___ No ___

State reason for Variance _____

Will property require review from both Planning and Zoning Boards? _____

WHAT THE TOWN CLERK REQUIRES BEFORE A PUBLIC HEARING NOTICE WILL BE PUBLISHED

A FORM OF REQUEST FOR PUBLIC HEARING SIGNED AND DATED BY CHAIRPERSON & BOARD MEMBERS STATING:

NAME OF APPLICANT _____

ADDRESS OF APPLICANT _____

TELEPHONE # OF APPLICANT HOME _____ WORK _____

SPECIFIC REASON FOR THE PUBLIC HEARING

SPECIFIC ADDRESS WHERE PROJECT IS LOCATED _____

SPECIFIC USE OF PROJECT _____

DATE OF PUBLIC HEARING _____

TIME OF PUBLIC HEARING _____

\$65.00 IS REQUIRED FOR PUBLIC HEARING FEE.

This must be paid to the Town Clerk at least 25 days prior to the Public Hearing Date.

A SEPARATE \$50 DEPOSIT IS NEEDED FOR A SIGN THAT HAS TO BE PLACED ON THE PROPERTY OF THE INTENDED PROJECT. THE SIGN MUST BE PLACED ON THE PROPERTY 25 DAYS BEFORE THE PUBLIC HEARING AND MUST BE PLACED ON THE PROPERTY WHERE IT IS CLEARLY VISABLE FROM THE ROAD. YOUR DEPOSIT WILL BE RETURNED AFTER THE PUBLIC HEARING AND THE SIGN IS RETURNED IN GOOD CONDITION. IF THE SIGN IS DESTROYED, LOST OR STOLEN, THE \$50 DEPOSIT WILL BE FORFEITED.

YOU WILL RECEIVE A RECEIPT FOR THE PUBLIC HEARING AND SIGN DEPOSIT FROM THE TOWN CLERK. THE CHAIRPERSON OF THE BOARDS WILL INSURE YOU GET A COPY OF THE NOTICE THAT WAS PUBLISHED IN THE PAPER.

A COPY OF THE ZONING ORDINANCES OR SUB-DIVISION REGULATIONS CAN BE PURCHASED FROM THE TOWN CLERK FOR A CHARGE OF \$10.00 IF PICKED UP AND \$12.00 IF MAILED.

PROJECT ID #

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

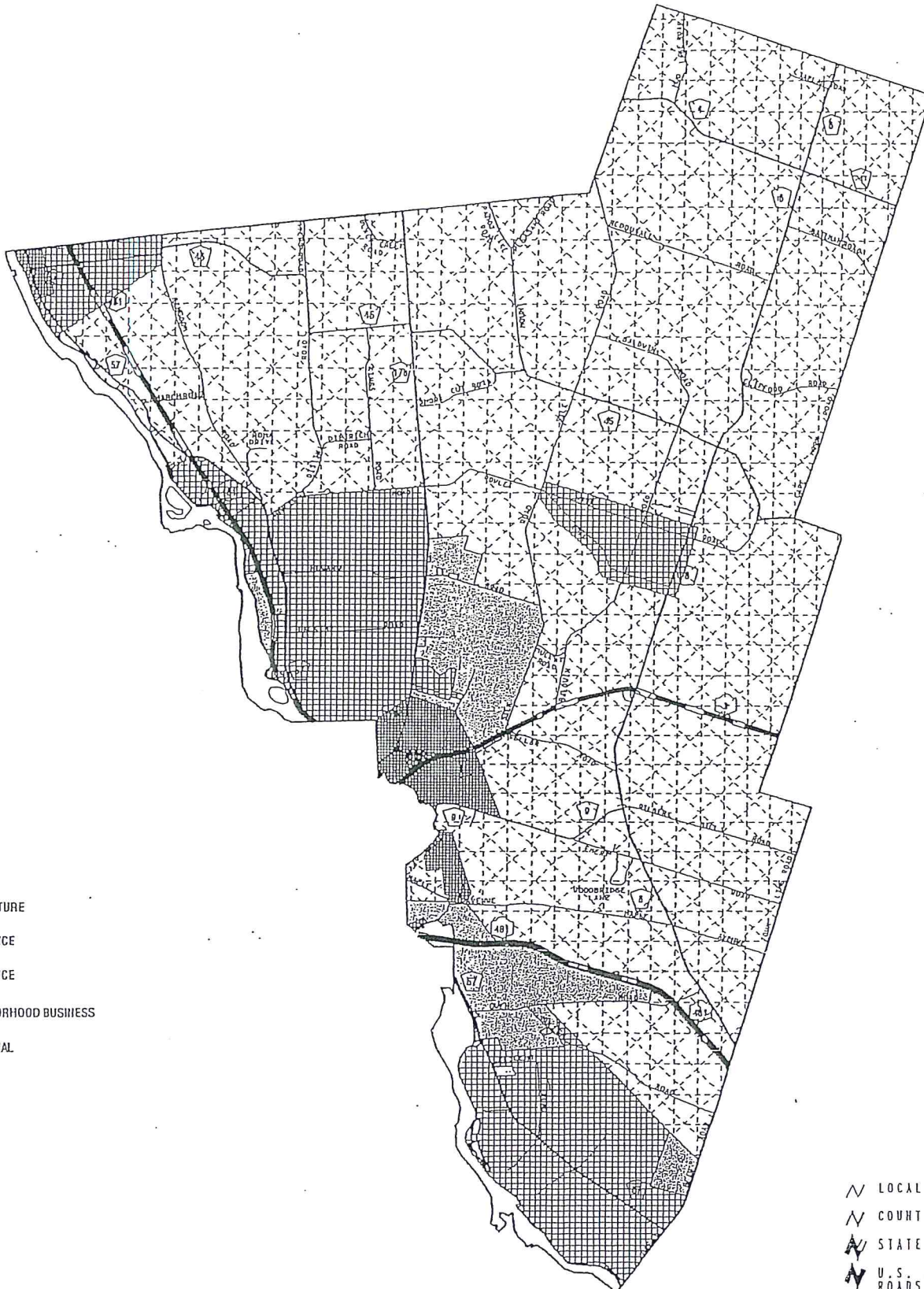
<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>


PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p>	
<p><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 AND provide, on attachments as necessary, the reasons supporting this determination</p>	
<p>_____ Name of Lead Agency</p>	<p>_____ Date</p>
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>

EXISTING ZONING



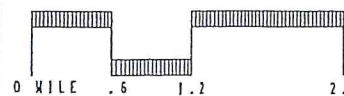
-  A AGRICULTURE
-  R-1 RESIDENCE
-  R-2 RESIDENCE
-  B-1 NEIGHBORHOOD BUSINESS
-  I-1 INDUSTRIAL

-  LOCAL ROADS
-  COUNTY ROADS
-  STATE ROADS
-  U.S. AND INTERSTATE ROADS

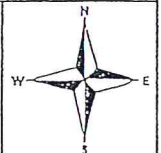


PREPARED BY OSWEGO COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
DATE: MAY 1998

TOWN OF
VOLNEY
ZONING ORDINANCE



SCALE: 1 INCH = 1.2 MILES



ZONING BOARD OF APPEALS REQUEST FOR PUBLIC HEARING FORM

NAME OF APPLICANT _____ DATE _____

ADDRESS OF APPLICANT _____

TELEPHONE # OF APPLICANT _____

REASON FOR PUBLIC HEARING _____

SPECIFIC ADDRESS OF PROJECT _____

SPECIFIC LOCATION OF PROJECT _____

SPECIFIC USE INTENDED FOR PROJECT _____

DATE OF PUBLIC HEARING _____

TIME OF PUBLIC HEARING _____

REFERRED TO OSWEGO COUNTY PLANNING FOR REVIEW YES ___ NO ___

SIGNED:

_____ Gregory D. Hartranft Chr.—315-591-7595

_____ Holly Carpenter—315-569-1779

_____ RICHARD FORBES – 315-593-1775

_____ Jared Bellenger—315-591-8228

_____ GARY ROIK-315-592-9442