

Village of Jordan Zoning Board of Appeals Application

I/We, _____ of _____

(Applicant Name)

(Address)

Phone Number: _____

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR AN:

(complete subsection being referred to)

_____ 1. - Interpretation of Section _____ (go to #1 below)

_____ 2 – Area Variance from Section _____ (go to #2 below)

_____ 3 – Use Variance from Section _____ (go to #3 below)

_____ 4 – Special Use Permit pursuant to Section _____ (go to #4 below)

On property located at: _____

(tract name, lot #, Street#, etc.)

Currently Zoned _____

Owned by: _____

1. INTERPRETATION of Section _____. Requested Interpretation: _____

2. AREA VARIANCE from Section _____, to decrease/ increase the required _____

_____ from _____ to _____. Reason for Variance – include

hardship and proof, use additional attachments, if necessary. (See Standards of Proof

Outline): _____

3. USE VARIANCE from Section _____, to permit a _____ use in a _____

District.

Reason for Variance- include proof of unnecessary hardship. (See Standards of Proof

Outline): _____

4. SPECIAL USE PERMIT pursuant to Section _____, to permit: _____

5. Attorney, or other representative, if any: NAME _____
ADDRESS _____
PHONE _____

6. Contact Person, if other than Applicant
(name/address/phone) _____

7. The owners names, addresses, zoning and use of all adjoining properties

<u>NAME</u>	<u>ADDRESS</u>	<u>ZONING</u>	<u>PRESENT USE</u>
North	_____	_____	_____
South	_____	_____	_____
East	_____	_____	_____
West	_____	_____	_____

8. Attached Exhibits: Exhibit 1 – Legal Description of Property

Exhibit 2 – Survey of Property

Exhibit 3 – Plot Plan

Exhibit 4 –Environmental Assessment Form

Other Exhibits (List) _____

9. Applicant hereby acknowledges that the burden of proof is upon him/her to prove entitlement to the relief requested. The Applicant further understands that the Zoning Board of Appeals cannot grant the relief requested unless the applicable Standards of Proof are met by the Applicant.

GENERAL MUNICIPAL LAW

SECTION 809, Disclosure in certain applications.

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant,
2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
 - a) is the applicant, or
 - b) is an officer, director, partner or employee of the applicant, or
 - c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for service rendered, dependent or contingent upon the favorable approval of such application, petition or request.
3. In the County of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law.
4. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

* Please see second page.

STATE OF NEW YORK
COUNTY OF ONONDAGA

_____ being duly sworn, deposes and says:

I have reviewed §809 of the General Municipal law, a copy of which has been furnished to me by the Jordan Village Clerk, and am familiar with the provisions contained herein

No state officer, or any officer or employee of the County of Onondaga or Village of Jordan has any interest in the person, partnership or association making the application to which this affidavit is attached.

Signature

Sworn to before me this _____ day of _____, _____.

Notary Public

AGRICULTURAL DATA STATEMENT

(pursuant to NY Ag & Mkt Law 305-a; N.Y. Town Law & 283-1; N.Y. Village Law § 7-739 and N.Y. Gen. Mun. Law 239-m)

Applicant

Name:

Address:

Owner (if different from applicant)

Name:

Address:

1. Type of application: Special Use Permit ____; Site Plan Approval ____
Area Variance ____; Use Variance ____; Subdivision Approval ____

2. Description of proposed project:

3. Location of proposed project:

Address: _____

Tax Map No.: _____

4. List all farm operations which are both: (i) located within 500 feet of the boundary of the property upon which the project is proposed, and (ii) located in an agricultural district:

(1) Tax Map No.

Property Address:

Name:

Owner Address:

(2) Tax Map No.

Property Address:

Name:

Owner Address:

(3) Tax Map No.

Property Address:

Name:

Owner Address:

(4) Tax Map No.

Property Address:

Name:

Owner Address:

(5) Tax Map No.

Property Address:

Name:

Owner Address:

(6) Tax Map No.

Property Address:

Name:

Owner Address:

5. Attach a tax map or other map showing the site of the proposed project relative to the location of the farm operation identified above.

PROJECT I.D. NUMBER

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I-PROJECT INFORMATION (To be completed by Applicant of Project sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmark, etc., or provide map)	
5. IS PROPOSED ACTION: _____ New _____ Expansion _____ 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 LAND USE RESTRICTIONS? _____ Yes _____ No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINTY OF PROJECT? _____ Residential _____ Industrial _____ Commercial _____ Agricultural _____ Park/Forest/Open space _____ Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? _____ Yes _____ No If Yes, list Agency(s) and permit approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? _____ Yes _____ No If Yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? _____ Yes _____ 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 Costal Area, and you are a state agency, complete the Costal Assessment Form before proceeding with this assessment.

PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN § NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
_____ Yes _____ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN § NYCRR, PART 617.6? If no, a negative declaration may be superseded by another involved agency.
_____ Yes _____ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be hand written , if legible)

C1. Existing air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural. Archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wild species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including change in use of either quantity or type of energy)? Explain briefly:

D. IS THERE OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
_____ Yes _____ No If yes, explain briefly:

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 or 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.

☐ 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.

☐ 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.

Name of Lead Agency

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)

Village of Jordan
Zoning Board of Appeals

Standards of Proof required for Applications

The Village Zoning Board of Appeals is authorized to grant four kinds of relief from the Zoning Ordinance as follows:

1. Interpretation of Zoning Ordinance Provisions
2. Special Permits as set forth in the Zoning Ordinance
3. Use Variances
4. Area Variances

In order to grant any of the above kinds of relief, the ZBA must be satisfied that the Applicant has proven that he/she is entitled to the relief. In order to be entitled to the relief, the Applicant must show the ZBA that it meets the required Standards of Proof. The Standard of Proof required for each type of relief is set forth below.

UNLESS THE APPLICANT PROVES HIS/HER CASE BY COMPETENT EVIDENCE SATISFYING THE BELOW STANDARDS OF PROOF, THE ZBA CANNOT GRANT THE RELIEF. WHEN PRESENTING THEIR APPLICATIONS TO THE ZBA, APPLICANTS SHOULD ADDRESS THE ISSUES SET FORTH IN THE STANDARD OF PROOF FOR THEIR PARTICULAR RELIEF.

(1) Interpretation of Zoning Ordinance Provisions:

If the applicant disagrees with a prior interpretation of the Zoning Ordinance rendered by the Village Code Enforcement Officer, he can appeal his case to the Zoning Board of Appeals. The Zoning Board of Appeals then renders an official interpretation of the particular provision of the zoning ordinance. Although there is no “standard of proof” for interpretations, the applicant should be prepared to support his/her position that the Ordinance should be interpreted by the applicant.

(2) Special Permits as required by the Zoning Ordinance:

The Village Zoning Ordinance requires that certain uses within the Village require a Special Permit. The uses requiring a Special Permit are set forth in Article V Section 5.1 (A) of the Zoning Ordinance. In order to obtain a special permit the applicant must prove to the Zoning Board of Appeals that the criteria set forth in section 5.2 of the Zoning Ordinance are met. The general criteria is as follows:

- a. The proposed use is in compliance with all applicable regulations of the zoning ordinance, together with other applicable local, state and federal regulations.
- b. The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique, cultural, historical, geographical, agricultural or similar characteristic.

- c. The proposed use is to be developed in such a way as to insure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use.
- d. The proposed use is physically and visibly compatible with, and will not impeded, the development or redevelopment of the general neighborhood or adversely affect the existing land use within proximity to the subject site.
- e. The proposed use will be provided with adequate supporting services such as fire, police protection, public and private utilities and all other supporting services necessary and appropriate to the proposed use.
- f. Controls for Vehicular and pedestrian movement are designed to provide for the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, consideration shall be given, but not be limited to the following:
 - i. Location and adequacy of parking and loading facilities;
 - ii. Pedestrian rights-of-way;
 - iii. Traffic regulatory devices;
 - iv. Location, number and design of points of ingress and egress;
 - v. Accessibility by emergency vehicles, with particular emphasis on access to structures, provisions for turning and free movement;
 - vi. Provisions for snow storage;
 - vii. Age and ability of all persons for whose benefit the use is intended;
 - viii. Speed limits upon and general character of public highways in proximity in providing access to the subject site; and
 - ix. Handicap access.

The Applicant should be prepared to demonstrate to the ZBA that the proposed Special Permit use meets the above general criteria. In addition, Section 5.2 (B) of the Zoning Ordinance sets forth specific criteria for different types of uses. If the Applicant's proposed use falls within any of the categories set forth in Section 5.2(B) the Applicant should also be prepared to provide evidence that it meets the specific criteria.

(3) Use Variances:

A use Variance is an authorization by the ZBA for a use of land in a manner that is not allowed within the district by the applicable zoning regulations. Therefore, In order to permit a use that is normally not allowed, the applicant must obtain a Use Variance and meet the following Standards of Proof:

- a. The Applicant must show that the applicable zoning regulations and restrictions have caused "unnecessary hardship". In order to prove "unnecessary hardship" the applicant must demonstrate to the ZBA that:

- i. Under applicable zoning regulations the Applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
- ii. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
- iii. That the requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
- iv. That the alleged hardship has not been self-created.

It should also be noted that in granting a Use Variance, the ZBA must grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the Applicant, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.*

*The Standards of Proof required for a Use Variance are set forth in the New York State Village Law § 7-712-b(2).

(4) Area Variances

An Area Variance is an authorization by the ZBA to change the dimensional or topographical requirements of the applicable zoning regulations. Examples of an Area Variance are a permitted decrease in the required setback requirements of the Zoning Ordinance, or other lot dimension requirements of the Zoning Ordinance.

In making its determination of whether to grant or deny an Area Variance the ZBA must weigh the benefit to the Applicant if the Variance is granted against the detriment to the health, safety and welfare of the neighborhood or community if the Area Variance is granted. In making its determination the ZBA must consider:

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the Area Variance.
- b. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an Area Variance.
- c. Whether the requested Area Variance is substantial.
- d. Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions of the neighborhood or district.
- e. Whether the alleged difficulty was self created; which consideration shall be relevant to this decision of the ZBA but shall not necessarily preclude the granting of the Area Variance.

Since the ZBA must consider the above factors, the Applicant should be prepared to offer evidence regarding the above enumerated matters. Also, in granting an Area Variance, the ZBA must grant the minimum variance necessary and adequate while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. *

*Note: The Standards of Proof required for an Area Variance are set forth in New York State Village Law §7-12-b (3).

Village of Jordan

Appeals To the Zoning Board of Appeals

Variance/ Interpretation Procedure

- (1) Application is made to the code Enforcement Officer for Building Permit.
- (2) Code Enforcement Officer's approval of the building permit should be filed with Village Clerk.
- (3) If the Applicant is dissatisfied with the Code Enforcement Officer's decision he may file a Notice of Appeal Application with the Code Enforcement Officer and the ZBA. The Notice of Appeal must be filed within sixty (60) days after the filing of the Code Enforcement Officer's decision
- (4) The Notice of Appeal is an application to the ZBA for:
 - a. Use Variance
 - b. Area Variance
 - c. Interpretation
- (5) ZBA reviews the application at its next meeting. If the application is complete, ZBA sets date for public hearing, commences environmental (SEQRA) review and refers application to Planning Board for recommendation.
- (6) If property lies within 500 feet of
 - a. Any municipal boundary;
 - b. Any existing (or Proposed) county or state park or other recreation area;
 - c. Any right-of-way of any existing (or proposed) county or state parkway, thruway, expressway, road or highway;
 - d. Any existing (or proposed) right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - e. Any existing (or proposed) boundary of any county or state owned land on which a public building or institution is situated,

The ZBA sends the application to County Planning Board for their referral as required by NYS Law. County is entitled to a thirty (30) day review period; the ZBA may not render a final decision without either the County's response or the expiration of the review period. The ZBA cannot send the application to County Planning Board until an environmental (SEQRA) determination is made.

- (7) Required legal notice of the Public Hearing is published.
- (8) ZBA Public Hearing is held, county referral, if required, is entered into the record.
- (9) Upon closure of hearing, ZBA examines evidence presented at hearing to determine whether the Applicant has met the Standards of Proof for the relief requested. The Board makes a conclusion to grant or deny request.

- (10) Building Inspector and Village Clerk are notified of Board Decision on following Day.
- (11) Formal Resolution granting or denying is approved by ZBA at its next meeting; copies are then sent to the applicant, the Building Inspector, and the Village Clerk. The County Planning Board is also notified of the decision if their referral was required on the application.

Note: The ZBA meets regularly on the second Wednesday of each month.

Village of Jordan

Zoning Board of Appeals

Instructions to Applicant for Use Variance/ Area Variance/ Special Permit/ Interpretation

Application

1. Submit the following to the Village Clerk:
 - a. Original and six (6) copies of Application.
 - b. Original Environmental Assessment Form (EAF)
 - c. Legal Description of the Property (from deed).
 - d. Survey of the property, if requested.
 - e. Six (6) copies of the plot plan showing existing and proposed improvements on property. (Additional details may be required on plan as requested by the Code Enforcement Officer and/or the ZBA.)
 - f. Check made payable to the Village of Jordan in the amount of \$100.00 for the application fee.
2. Upon submission and acceptance of the above documents as complete, a preliminary meeting will be scheduled with the ZBA. The applicant's failure to adequately complete the Application or to provide the requested data will result in delays in processing the request.
3. The Applicant shall be responsible for the cost of publication, the recording of the original stenographic minutes (if desired by Applicant) of any and all required hearings, and the reasonable and necessary engineering and inspection fees.