



TOWN OF ELBRIDGE

GUIDELINES & APPLICATION FOR

Zoning Board of Appeals

5 Route 31 – P.O. Box 568 – Jordan, N.Y. 13080

COMPLIANCE WITH THE FOLLOWING RULES WILL IN NO WAY GUARANTEE APPROVAL OF AN APPLICATION.

It may even be necessary for the board to request additional information to make its decision.

The Zoning Board of Appeals meets on the third Wednesday of each month at 7:00 P.M. local time at the Elbridge Town Hall, 5 Route 31, Jordan, New York. The Board adopts a schedule of meetings each year, which is available upon request.

The burden of proof for all applications is on the applicant, who should be prepared at the time of the public hearing to describe the application, state the necessity for the application, and show compliance with the applicable tests for approval (see attached sheets applicable specifically to area variance). The applicant, or the applicant's duly authorized agent, must appear at all public hearings held on the application. Failure to appear may result in automatic denial.

The requirements set out in this packet for the applications to the Zoning Board of Appeals are not to be considered all-inclusive. Depending on the nature and scope of a particular application, it is the prerogative of the Building Inspector, the Zoning Board secretary or the Zoning Board of Appeals to request more information of the applicant.

A complete package of application materials must be filed with the secretary of the Zoning Board of Appeals of the Town of Elbridge on or before the submission deadline for the required hearing date of the application. A schedule of public hearing dates, including submission deadlines, is available from the Zoning Board of Appeals secretary. An application to the Zoning Board of Appeals will not be accepted until all required materials have been deemed to be complete and accurate. The Board has adopted a policy of accepting only the first four (4) complete applications submitted for any one agenda. **All application materials will be available for public review.**

Approximately five (5) days prior to the public hearing, the Town will post a sign in a conspicuous location on the subject property. This sign should be maintained on the property until it is removed by the Town.

Any questions regarding the initial completion of this application may be directed to the Code Enforcement Office, phone (315) 689-9031 Ext#6 between 9:00am and 4:30pm, Monday through Friday. Once the application has been submitted and/or the Hearing Guide has been received questions may be directed to the ZBA Secretary, phone (315) 689-9031 Ext#6 in the Town Clerk's Office between 9:00 am and 4:30 pm, Monday through Friday.

THE FIRST 8-PAGES ARE INFORMATIONAL FOR THE APPLICANT.

PLEASE RETURN THE REMAINDER OF THE APPLICATION TO THE CODE ENFORCEMENT OFFICE

Rev. 3/2020



REQUIREMENTS FOR ALL APPLICATIONS

A complete application consists of the following forms and documentation. Except where otherwise specified, **six (6) copies** of each form/item of documentation should be collated into packets no larger than 8½" by 11".

- 1) The one-page application form (pg. 5) filled out completely and accurately, typed or printed. **[6 copies]**
- 2) Referral Form – The Town Building Inspector must be shown the herein-described instrument survey and/or plans for any proposed changes to the site, or for any proposed changes to the use on the site. He/she will make a determination as to what variances you need to apply for and provide you with a referral form indicating the current zoning of the subject property and what type of application is relevant, once the application is submitted. The Zoning Officer will complete this form after an applicant has submitted an application. **[6 copies]**
- 3) Authorization to make application – When the applicant is not the owner of the subject property, the Authorization to Make Application form (pg. 6) must be completed and signed by the owner and included as part of the application. **[6 copies]**
- 4) Proof of a contractual relationship with the owner of the property if the applicant is a renter or lessee. **[6 copies]**
- 5) A current Instrument Survey of the subject property – A signed and/or sealed INSTRUMENT SURVEY MAP, prepared by a professional engineer or licensed land surveyor, accurately depicting the CURRENT status of the subject property, and the setbacks of all such existing structures, i.e., the closest distance between the nearest property line and the structural wall closest to that property line. **[One (1) stamped original and five (5) copies]**

NOTE: In a situation where average lot width at the required front setback, or percentage of impervious surface coverage, or the size of a structure is a possible issue, that information should be clearly indicated on the instrument survey.

All instrument surveys shall include the following information for the subject property:

- A Front, side and rear property lines with lengths indicated
- B ALL structures
- C Front, side and rear setbacks of all structures
- D Easements
- E Driveways
- F Any abutting roads and the name(s) of such road(s)
- G North arrow and scale
- H Distance of structural wall on most affected abutting property from common property line.

NOTE: The Building Inspector may waive the requirement of an instrument survey, by so writing on the referral form however; the Zoning Board may in its discretion require a survey or other certified documents.

- 6) A sketch, drawn to scale and signed, showing any proposed new structure or addition to an existing structure, showing setbacks. This is best accomplished by having a licensed land surveyor add this information to an instrument survey. When deemed acceptable by the Building Inspector, an applicant may alter an instrument survey to show a proposed addition to an existing

structure. Such altered survey must be labeled “SKETCH” in large letters to indicate it has been altered, and additions must be accurately drawn to scale. *[6 copies]*

- 7) Architectural elevations – If the variance requested concerns a new structure or an addition to an existing structure, architectural elevations, with scale indicated, are required. The height of the structure as defined in the Town Zoning Ordinance, i.e., “...the vertical distance as measured from the average elevation of the proposed finished grade at the front of a building or of a structure to the highest point of the building or the structure, which highest point shall include, but not be limited to, the highest or topmost point of the roof together with all towers, elevator penthouses, signs, tanks, elevator or stair bulkheads, mechanical equipment, light poles and light standards, except for poles or standards of a public utility company,” must be clearly shown on the elevation. *[6 copies]*
- 8) Any other materials, such as photographs, maps, landscape plans, specifications, details, etc. which would further clarify the application. *[6 copies]*
- 9) Tests for Granting Area Variances as listed on page 3. Prepare response form (pg. 7) as completely as possible. *[6 copies]*
- 10) Disclosure Form E (pg. 8) in compliance with Section §806 of the General Municipal Law. (pg. 6) *[6 copies]*
- 11) Submission of the appropriate application fee, in accordance with the current fee schedule. (pg. 11) This fee covers the cost of the legal ad, which appears in the Syracuse Eagle Observer, and part of the administrative costs involved. The check should be made payable to the “ELBRIDGE Town Clerk”.
- 12) The applicant is **strongly advised** to communicate with adjacent property owners who might be affected by the granting of the variance or special permit. Public comment on an application will not in itself be the basis of a decision, but may factor into the board’s decision process.

In making its determination, the Zoning Board of Appeals follows Article XI of the Town Municipal Code and will consider the following:

1. Lot area
2. Type of construction
3. Parking facility
4. Traffic hazards
5. Fire hazards
6. Offensive odors, smoke, fumes, noise and light
7. The general character of the neighborhood
8. The nature and use of other premises
9. The location and use of other buildings in the vicinity
10. Whether or not the proposed use will be detrimental to neighboring property

ADOPTED October 27th, 2011



NEW YORK STATE

STANDARDS FOR THE GRANTING OF AREA VARIANCES, USE VARIANCES, SPECIAL PERMITS & INTERPRETATIONS

TOWN LAW SECTION § 267-b.

§ 267-b. Permitted action by board of appeals.

Power to Grant Area Variances

Area variances

(a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such Ordinance or local law, to grant area variances as defined herein.

Tests for Granting Area Variances

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (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.

Minimum Variance Necessary

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Power to Impose Conditions

Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances; have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

30.123 Special Use Permit

A. The Zoning Board of Appeals may grant Special use Permits as hereinafter authorized. A land use activity that requires a Special use permit is not automatically approved. An applicant only becomes

entitled to a Special Use Permit to conduct the desired use, if the applicant demonstrates to the Zoning Board of Appeals that the proposed use will be conducted in accordance with the following standards, and only after the Zoning Board of Appeals has made findings determining that:

- (1) The use complies with all special requirements of this Chapter.
- (2) The use is appropriate for the particular location.
- (3) All potential adverse impacts upon the neighborhood have been mitigated to the extent that is reasonably practicable
- (4) The use would not change the essential character of the neighborhood.
- (5) The use is not detrimental to the health, safety and general welfare of the neighborhood.

USE VARIANCES

- (1) That the applicant cannot realize a reasonable return provided that the lack of return is substantial as demonstrated by competent financial evidence. Town Law Section 267- b(2)(b)(1); Village Law Section 7-712-b(2)(b)(1); General Cities Law Section 81-b(3)(b)(i).
 - a) Must prove this for ALL permitted uses in the district, including Special Permit uses and non-conforming (if applicable) *Matter of Forrest vs. Evershed*, 7 NY2d 256.
 - b) Proof must be "dollars and cents" *Fayetteville vs. Jarrod*, 53 NY2d 254.
- (2) 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.
 - a) *Douglaston Civic Assn, Inc. vs. Klein*, 51 NY2d 963.
- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 - a) The Comprehensive Plan and likelihood of inconsistent development in the future can be considered. *Sepulcher Cemetary vs. BZA of Town of Greece*, 271 AD33.
 - b) Compatibility with existing developed uses can be considered *Rochester Transit Corp. vs. Crowley*, 205 Misc. 933; *Matter of Style Rite Homes, Inc. vs. ZBA of Town of Chili*, 54 Misc.2d 866.
- (4) That the alleged hardship has not been self created.
 - a) The existence of self-created hardship is an absolute bar to the granting of a use variance.
 - b) If an applicant bought the land with actual or imputable knowledge of the zoning ordinance prohibition, self-created hardship is present.
 - c) A non-conforming use is not a self-created hardship. *Crossroads Recreation vs. Bros*, 4 NY2d 39.

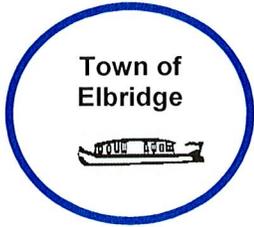
INTERPRETATIONS.

- (1) Jurisdiction is dependent upon an actual determination of the zoning enforcement officer. Advisory opinions are not permissible.
 - (2) Only the zoning board of appeals has authority to overrule the zoning enforcement officer, (Not the legislative body, except by code amendment).
- The zoning enforcement officer's decision is final and binding UNLESS the zoning board of appeals votes to override within 62 days of the close of the hearing.



NEW YORK STATE GENERAL MUNICIPAL LAW SECTION § 809

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a 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 shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is 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 services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.



TOWN OF ELBRIDGE

AREA VARIANCE

FEE SCHEDULE

Zoning Board of Appeals – 5 Route 31 - Jordan, N.Y. 13080 – 315) 689-9031 Ext#6

Area Variances – Residential and Non-Profit

Single \$200.00 each

Area Variances – Non-Residential

Single \$200.00 each

Special Permit

Single \$200.00 each

ZBA Local Interpretation

\$200.00 each

Re-advertisement

Every re-advertisement \$100.00 each

Applicant's request for postponement may require a re-advertisement fee



TOWN OF ELBRIDGE APPLICATION FORM CHECK LIST

Zoning Board of Appeals – 5 Route 31 - Jordan, N.Y. 13080 – 315-689-9031 Ext#6

CHECKLIST: Please check your paperwork against the following list prior to submitting it to the Zoning Board of Appeals Secretary. These documents should be collated into packets no larger than 8 ½” by 11” in size so they are able to be mailed.

- Zoning Board of Appeals application form (pg. 5) **6 copies**
- Referral Form prepared by the building inspector, **6 copies**
- The Zoning Officer will complete this form after the application has been submitted.
- Authorization to make application (pg. 6) **6 copies (when applicable)**
- Proof of contractual relationship, **6 copies (when applicable)**
- Instrument survey map, **6 copies**
- Scaled sketch, **6 copies**
- Elevations, **6 copies**
- Any other materials, such as photographs, maps, landscape plans, specifications, details, etc. which would further clarify the application, **6 copies**
- Tests (written response to each) for granting area variances (pg. 7) **6 copies**
- Disclosure Form E (pg. 8) **6 copies**
- Check made out to “Elbridge Town Clerk” for application fee.

GIVEN TO THE APPLICANT:

- Applicable Code Section
- Application Packet

RECEIVED FROM APPLICANT

- 6 Complete Sets of application materials
- Fee Payment

Date of Public Hearing _

Note: All application materials will be available for public review

Tax Map # _____



Town of Elbridge Zoning Board of Appeals

Date: _____

Subject: *Special permit* *Area Variance* *Use Variance* *Interpretation*

To the Zoning Board of Appeals of the Town of Elbridge:

I hereby request a meeting with the Town of Elbridge Zoning Board of Appeals at the earliest possible date to discuss the above mentioned subject.

Print: _____

Signed: _____

Address: _____

Phone: _____

E-mail: _____

Return to Town of Elbridge Codes Office
C.E.O Howard Tanner
Town of Elbridge
PO Box 568
Jordan, New York 13080-056
315-689-9031 Ext#6 – Office
315-730-7439 - Cell

Department of Codes & Zoning



APPLICATION
To
**THE TOWN OF ELBRIDGE
ZONING BOARD OF APPEALS**

Principal Office Location
5 State Route 31, PO Box 568, Jordan, NY 13080
Ph. 315/689-9031 Ext#6 Fax: 315/689-3122
Web Site: townofelbridge.com
E-mail codesoffice@townofelbridge.com

Date _____

PROPERTY DESCRIPTION:

(Street Address, and/or Lot Block, Section, Tract)

Tax Parcel Number: _____ - _____ - _____ Current Zoning District: _____

Current Property Owner (Name, Address)

APPLICANT INFORMATION: (Contact Person; Name, Address)

Phone _____

DESCRIPTION:

Date when purchased _____ Acreage _____

Distance to the nearest major intersection _____

Is the property located within 500 ft. of a municipal boundary? _____

DOES HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A (AN):

A) **INTERPRETATION:** Chapter _____ Article _____ Section # _____ Paragraph _____ Page _____

Specific reason for request? _____

B) **AREA VARIANCE:** Chapter _____ Article _____ Section # _____ Paragraph _____ Page _____

Minimum amount of variance required? _____

C) **USE VARIANCE:** Chapter _____ Article _____ Section # _____ Paragraph _____ Page _____

The property will not yield a reasonable return if developed in conformity with any permitted use allowed in the Zoning District.

D) **SPECIAL USE PERMIT:** Chapter _____ Article _____ Section # _____ Paragraph _____ Page _____

Describe the specific use proposed. _____

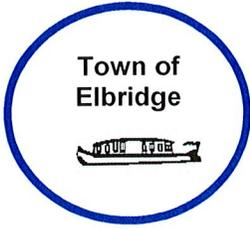
Attorney information (if any) _____

I (we) hereby certify that I (we) am (are) the owner (s) and occupant of this property and that, to the best of my (our) knowledge, all the information is true and correct.

Signature: _____ Date: _____

Signature: _____ Date: _____

*At Times the ZBA may refer the applicant to the Planning Board for a review. Rev. 11/13



TOWN OF ELBRIDGE

AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals
5 Route 31 - Jordan, N.Y. 13080

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I, _____ the owner of the property located at:

_____ (Street) _____ (Town) _____ (Zip)

Tax Parcel # _____

do hereby authorize and appoint _____ as my agent to make application to the Town of Elbridge Zoning Board of Appeals, 5 Rte 31, P.O. Box 568, Jordan, NY 13080

For the purpose(s) of _____

Signature of Owner _____ Date _____

Signature of Agent _____ Date _____



STATE OF NEW YORK
COUNTY OF ONONDAGA
TOWN OF ELBRIDGE

_____ 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 Elbridge Town Clerk and issued under the provisions of the Ordinances, Local Laws, Rules or Regulations of the Town of Elbridge, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

I do further certify that there is no officer of the State of New York, the County of Onondaga or of the Town of Elbridge or of any other municipality of which the Town of Elbridge is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)

Signature of Applicant(s)

Date

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 § 7-736 and N.Y. Gen. Mun. Law 236-m)

Applicant

Owner (if different from applicant)

Name:
Address:

Name:
Address:

1. Type of application:

Special Use Permit _____; Area Variance _____; Use Variance _____;

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:

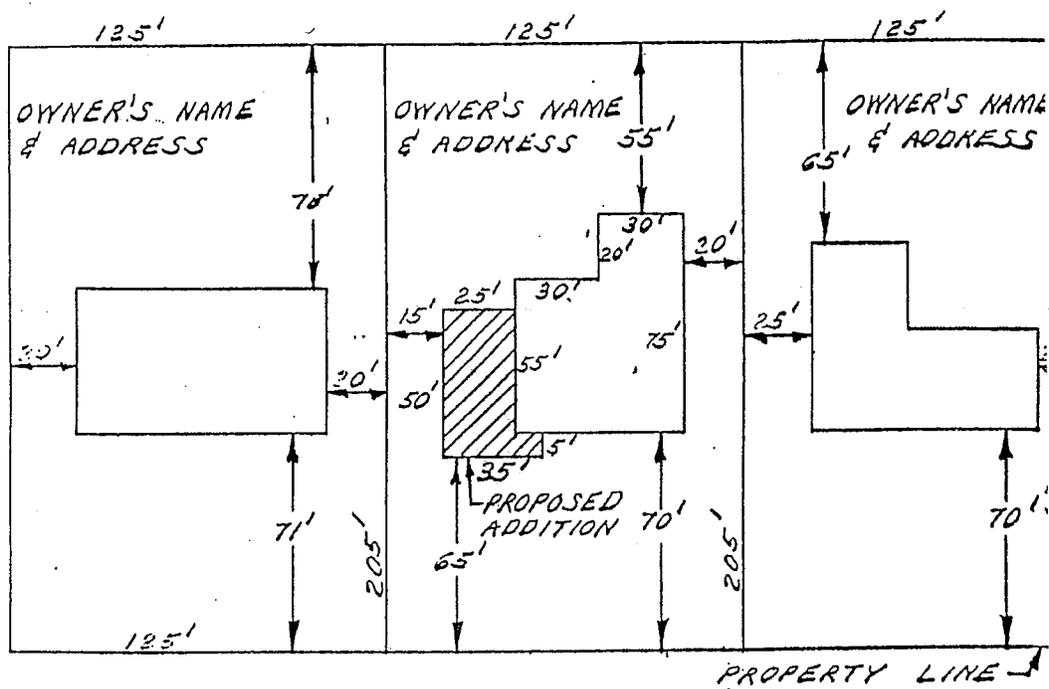
Owner Address:

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.

SAMPLE SCALED SKETCH FOR VARIANCE

All scaled sketches for the purpose of a variance application shall; contain the following information for the premises for which the variance is sought, and all abutting premises.

1. Front, side and rear property lines
2. All structures
3. Front, side and rear setbacks
4. Driveways
5. Easements
6. Any abutting roads
7. Proposed addition
8. North arrow and scale



MAIN STREET

SCALE: 1" = 50'

