



Application Fee: _____
Recpt/Ck #: _____

VILLAGE OF BALDWINSVILLE

APPLICATION FOR AREA/USE VARIANCE/INTERPRETATIONS

Non-refundable fee:
(please check appropriate box)

- Residential Variance - \$150.00
- Commercial Variance - \$300.00

Type of request:
(please check appropriate box)

- Area Variance Interpretation
- Use Variance Other

Property Location: _____
 Tax Map Number: _____
 Zoning District: _____

Applicant: Owner Lessee Contract Purchaser Other
 *** If not owner, provide authorization to apply for Owner

Property Owner: _____
 Address: _____
 DBA: _____

Party to be contacted: Owner Attorney Architect Contractor Other
 Name: _____
 Address: _____
 Phone: _____

Please print – property in name of

Depose and says that he/she resides at _____
 (mailing address of owner)

in the State of _____, that he/she is the owner in fee of all certain lots, parcels of land shown on the attached survey Tax Map Number _____ situated, lying and being within the incorporated area of the Village of Baldwinsville; that I/We have read and understand that the work to be done upon the premises shall be done in accordance with the approved application and accompanying plans of which he/she is totally familiar; And that he/she hereby names _____ as his/her representative to file this application on his/her behalf.

Signature of Owner: _____

Sworn to me this _____ day of _____, 201

Signature of Notary Public: _____

VILLAGE OF BALDWINSVILLE
CODE RELIEF DESCRIPTION

NAME: _____

ADDRESS: _____

TAX MAP#: _____

CODE VIOLATION SECTION: _____

CODE SECTION STATES: _____

VARIANCE RELIEF:

CODE ALLOWANCE: _____

EXISTING SITUATION: _____

PROPOSED CHANGE: _____

VARIANCE APPLICATION PROCEDURE GUIDELINES VILLAGE OF BALDWINSVILLE

ALL APPLICATIONS: Complete the application with seven (7) copies for all requests. Make sure to answer all relevant questions and do not leave any blanks unless the question is not applicable. All applications must be accompanied by detailed diagrams showing: lot size, adjoining roads, driveways, the location and dimensions of all buildings, including building heights, and the distance of all buildings from all lot boundaries, and a **property survey** that accurately reflects the existing property conditions.

The Zoning Board of Appeals (ZBA) must post a legal notice on all variance applications, a hearing date will depend on the time frame an application is submitted. If the property is located within 500' from any County road, State road, municipality or the like, the ZBA **must** forward this application to the Syracuse-Onondaga County Planning Agency (SOCPA). SOCPA will hear the case and forward their reply to the Village with their decision. SOCPA has 30 days from receiving the application to act on the request and submit their reply to the ZBA so that the case can be heard.

A) AREA VARIANCES: An area variance is a variance granted by the ZBA which allows a structure to be built despite the fact that certain square footage, distance and/or dimensional requirements of the zoning ordinance have not been met. Examples of such requirements are minimum lot size requirements, front, side and rear yard setback requirements, maximum building height and maximum lot coverage.

Make sure to answer all questions in detail. Do not answer by saying "I would not be able to build the desired building if the variance is not granted." This is obvious and this type of response does not qualify for an area variance. You must clearly demonstrate to the ZBA that:

- 1) The requested variance will not produce an undesirable change in the character of the neighborhood.
- 2) No substantial detriment will be created to nearby properties.
- 3) There was no other feasible method available to you to achieve the benefit you seek, other than the requested variance.
- 4) The requested area variance is not substantial.
- 5) The proposed variance will not have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district.

The variance, if granted, must be the minimum necessary to grant relief from the difficulty.

In making its determination, the ZBA will take into consideration the benefit to you if the variance is granted as weighed against any detriment to the health, safety and welfare of the neighborhood or community.

B) USE VARIANCES: A use variance is a variance granted by the ZBA of the prohibitions against certain uses of real property in a zoning district. A variance, if granted, allows the property owner to use his/her property in a certain way although the desired use is otherwise prohibited in the zoning district.

Make sure to answer all questions in detail. You must clearly demonstrate to the ZBA that ALL FOUR (4) of the prerequisites have been met in order to qualify for a use variance, namely:

- 1) You will be deprived of all economic use or benefit from your property unless it can be used for the purpose you request.
- 2) The hardship created is unique and does not apply to a substantial portion of the district or neighborhood.
- 3) The variance would not alter the essential character of the neighborhood.
- 4) The hardship is not self-created.

The variance, if granted, must preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to qualify for a use variance, you must show by “Dollars & Cents” proof that the property cannot yield any return if its use is limited to only those uses permitted in the zoning district. It may be to your benefit to have an appraisal performed to support your claim.

SELF-CREATED HARDSHIP:

- 1) The ZBA may not grant a use variance to relieve a hardship created by the applicant, such as the \ purchase of land with actual or constructive (should have known – presumed to know the Law) knowledge that the desired use is prohibited by the zoning ordinance, even if the landowner does not have actual knowledge of the applicable provisions of the ordinance prohibiting the desired use.
- 2) Although not an absolute bar to an area variance request, if the situation which necessitated the request is self-created, it is a factor which may be taken into consideration by the ZBA against the granting of an area variance.

RULES FOR VARIANCE PUBLIC HEARINGS

The applicant has the burden of proof in proving his/her request for the variance. The Village/Board may, and quite often does as a courtesy, answer questions; however, the Board acts on behalf of the Village as a whole, and not the applicant per se.

The applicant is required to present sufficient proof to the Board in support of his/her application. The Village/Board may request certain information and/or ask questions; however, it is the applicant’s obligation to prove the variance should be granted.

At the Public Hearing, when a member or the Attorney for the ZBA asks an individual a question, the individual shall answer the question. Variance Public Hearings are usually informal and rules of evidence are not applicable. Although when a specific question is asked to an individual, often another person or the applicant’s attorney answers the question, this is not appropriate. All individuals will be given an opportunity to speak and/or answer questions, including the applicant’s attorney.

ZBA Members shall be required to expressly state, on the record, their specific knowledge concerning a variance application that they desire to be a part of the Public Hearing Record. Invariably, ZBA Members will be familiar with the property that is the subject of the variance application. The Public Hearing serves as the fact finding and there must be sufficient proof in the record at the Public Hearing to support any findings of fact later made by the ZBA. It will be assumed that if no Board Member specifically enters into the record at the Public Hearing any factual statements relative to the variance application that the member in voting on the variance application are only relying on the facts which are part of the record