



Zoning Board of Appeals Application Form and Instructions

PLEASE READ CAREFULLY

The Zoning Board of Appeals has the power to issue interpretations of the Zoning Ordinance and to grant use variances and area variances. No such relief may be granted unless the applicants have proven their case and satisfied the applicable ***Standards of Proof***. In other words, applicants must furnish facts, proof, etc. to satisfy those standards. If the proof is insufficient, your case will be denied.

The burden is always on the applicants to prove their entitlement of the relief sought. For your help in preparing your case, we have included the relevant ***Standards of Proof*** which you must satisfy. We respectfully, but emphatically call your attention to these specific ***Standards of Proof***. It would be a mistake to anticipate favorable relief from the Zoning Board of Appeals, if you have not proven your case according to these standards.

Applications and any exhibits including: maps, surveys and documents, which you intend to offer into evidence at the hearing, must be submitted in eleven (11) copies so that each Board Member, the Secretary, and the Attorney are furnished with copies. No exhibits will be returned.

Applications must be received approximately one (1) month prior to hearing date to allow for advertisement as required by law. The Town of Cicero Department of Zoning and Planning will not schedule a hearing in front of the Zoning Board of Appeals until all pertinent and required materials specific to an application are submitted. We will assist you in developing a list materials required. Any other materials submitted within a 72 hour period prior to the ZBA meeting date will result in an automatic postponement of your case to the next available meeting date, and may be subject to an additional submittal fee. Other materials include, but are not limited to: revisions to surveys, changes in requested variances, and letters of support.

These instruction sheets will be retained by the applicant. The final page goes to the board.

Criteria used for determining an **AREA variance**

(Questions applicant will be required to answer)

1. Is the requested variance substantial?
2. Will an undesirable change be produced in the character of the neighborhood, or will the granting of the area variance create a detriment to nearby properties?
3. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
4. Was the alleged difficulty self-created? (A "yes", however, does not in itself preclude the granting of the variance)
5. Will the variance have an adverse affect on the nearby physical or environmental conditions?

1. The land in question cannot yield *a **Reasonable Return*** if used only for a purpose allowed under its present zoning.
2. The plight of the owner is due to ***Unique Circumstances*** and not due to the general conditions in the neighborhood, which may reflect the unreasonableness of the zoning ordinance, itself.
3. The use to be authorized by the variance will not alter the ***Essential Character of the Locality***.
4. The alleged hardship has not been self-created.

RULES OF PROCEDURE & Required Information

1. The owner of the property shall sign submission requirements for Area Variance and Use Variance Applications in question.
2. Name and mailing address of applicant and owner of the subject property.
3. Names and addresses of contiguous property owners. (The Town will Provide)
4. **Accurate survey (NO OLDER THAN TWO (2) YEARS) by a licensed surveyor**, showing property lines with distances and angles, north arrow, scale, date and property address. This survey **shall** also indicate all setbacks from the property lines to all buildings. **and shall meet the minimum standards set forth by the New York State Association of Professional Land Surveyors "Code of Practice for Land Surveys" (<https://www.nysapls.org/page/23>).** Copies of surveys provided shall be at the original scale such that measurements may be easily confirmed. **Surveys that are not to scale, do not meet the requirements stated herein, or do not contain approximate highway boundaries or roadway locations will not be accepted.**
5. Location, width, and purpose of all existing and proposed easements.
6. Description of all existing deed restrictions or covenants applying to the said property.
7. Short Form Environmental Review completely filled out and signed.
8. For new exterior construction, topographic features including a map showing external contour intervals of no more than five feet. Two foot contour intervals are required if the topography is relatively flat. Areas of steep slopes shall be delineated if necessary. Hydrologic features including drainage and run off patterns shall be shown.

9. Indicate vegetation cover, including existing wooded areas, significant isolated trees and similar features.
10. Dimensioned floor plans drawn to scale
11. Elevation sections showing dimensions and construction material of exterior surface.
12. On the survey, show proposed location with accurate measurements to all buildings, structures, pools, retaining walls, fences, or easements.
13. Copies of all applications and the other necessary papers, **as described below**. Fees shall be paid with the Zoning Clerk, who shall schedule the application for a hearing at the first available meeting of the Board. Upon filing the application by approximately one (1) month prior to the next meeting, the Zoning clerk shall transmit copies thereof to the Zoning Board of Appeals Chairman and Members, the Code Enforcement Officer, and, where required by law, the Onondaga Planning Agency.

REQUIRED DOCUMENTS

1. Nine (9) copies of a description of the project to be completed and the reason a variance is being obtained.
2. Nine (9) copies of an updated property survey (within 2 years), site plan and floor plans which have been delivered to the Zoning Office at 8236 Brewerton Road, Cicero, NY 13039.
3. Two (2) copies of legal description
4. One (1) application **completely** filled out and signed by applicant and property owner
5. Four (4) short environmental forms completely filled out and signed
6. Photos of property and affected areas, if addition.

PLEASE NOTE:

THE FEE TO FILE A VARIANCE IS NONREFUNDABLE.

The next page is the form that goes to the Zoning Board of Appeals.



Zoning Board of Appeals Application Form

Town of Cicero, New York

Non-Refundable Filing Fee: Area Variance Residential \$250.00 Commercial \$400.00

Non-Refundable Filing Fee: Use Variance \$500.00 Sign Variance \$400.00

Variance After Work Has Begun – Double Application Fee

VARIANCE: _____ USE _____ AREA _____ ZBA Meeting Date: _____

Case Number _____ Zone _____ Filing Date _____

1. Applicant is **Owner or Representative** (Circle one). Representative **MUST** be authorized to represent the owner and make decisions in the owner's behalf.
 2. Applicant requests a _____ variance for a _____ to be located at _____
Tax Map Number: _____
 3. Owner's mailing address:
Name: _____ Address: _____
City _____ State _____ Zip Code _____ Phone No. _____
 4. Applicant's name (Please Print): _____
 5. Applicant's mailing address: _____ Zip: _____ Phone _____
 6. Applicant's e-mail address: _____
- I certify that the above statements are true and correct. I further understand that the filing fee(s) are non-refundable under any circumstances.
- _____
Applicant's Signature Date Owner's Signature Date

TOWN USE ONLY: Distances and or uses that are required:

TOWN USE ONLY: Names and addresses of contiguous property owners:

Name _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

VARIANCE RESOLUTION:

APPROVED DENIED (Circle One)

Chair, Zoning Board of Appeals

Date