



**Village of Ossining**  
**Department of Planning**  
John-Paul Rodrigues Ossining Operations Center  
101 Route 9A, PO Box 1166  
Ossining, NY 10562  
(914) 762-6232  
[www.villageofossining.org](http://www.villageofossining.org)

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**ZONING BOARD OF APPEALS**  
**APPLICATION FOR USE VARIANCE**

**ALL DOCUMENTS SHOULD BE SUBMITTED AT**  
**[CITYSQUARED.COM](http://CITYSQUARED.COM)**

**PROPERTY INFORMATION**

Location of Property: \_\_\_\_\_

Section, Block, Lot #: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Property Type:

- ☐ Residential    No. of dwelling units: \_\_\_\_\_
- ☐ Commercial    No. of commercial units: \_\_\_\_\_
- ☐ Industrial
- ☐ Mixed Use
- ☐ Downtown Row Building
- ☐ Other: \_\_\_\_\_

**FEES**

Interpretation	\$400
Area Variance (1 or 2 dwelling units)	\$350
Area Variance (3 or more dwelling units and/or commercial)	\$550
Use Variance	\$600
Other ZBA Actions	\$300
<i>*Double for retroactive action for all of the above</i>	

## **CONTACT INFORMATION**

**Name of Applicant:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name of Owner:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name of Architect/Engineer:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name of Attorney:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

## **GENERAL INFORMATION**

- A variance is a permanent change that stays with the property not matter the owner. Therefore, a variance cannot be granted solely to satisfy the needs of the present owner.
- Applications shall be complete and submitted to the Department of Planning by 12:00 pm on the deadline date (see attached schedule). NO EXCEPTIONS. If the application is deemed incomplete by Staff you will be contacted. The application will be held from the agenda until complete.
- Applicant must be the owner, tenant, or contract vendee. All applications must be signed by the owner or legal representative of the owner.
- In accordance with Section 270-51C of the Village Code, the applicant must notice all owners of properties which lie within 300 feet of any boundary line of the subject property. Notices and addresses will be provided by Village Staff and should be mailed by the applicant using USPS. Mailings must be done no less than 10 days before the hearing/meeting, and proof of mailing in the form of a notarized affidavit must be submitted to the Planning Department.
- The applicant or representative must be present at the hearing in order for the application to be considered.
- If a variance is granted by the Zoning Board of Appeals, no construction shall commence until all required approvals are granted and permits are obtained through the Building Department. The Building Department can be contacted at (914) 941-3199 to determine any additional permits that may be required.
- As per section 270-49(J) of the Village of Ossining Zoning Code, unless construction is commenced and diligently pursued within six months of the date of the granting of a variance, such variance shall become null and void, unless renewed upon application to the Zoning Board.
- The applicant or representative will be notified if additional copies of the complete application are required for review by other agencies.

**The Zoning Board of Appeals may only exercise those powers given to it by state and local laws and its jurisdiction is limited to:**

- A. Determining applications for area and use variances; and
- B. Interpreting the meaning of any portion of the Village's Zoning Code or conditions and requirements specified in the Zoning Code.
- C. Hearing appeals from denials of Certificates of Appropriateness of hardship application to the Historic Preservation Commission.

**The Zoning Board is not authorized to make declaratory rulings. To render an interpretation of the Zoning Code, Section 270-48 states that the application must meet several requirements:**

- A. Must be appealing an order, requirement, decision, or determination made by a Village administrative official, or on request by any official, board, or agency of the Village; and
- B. Must be requesting the Zoning Board to decide only the following:
  - a. The meaning of any portion of the text of the Zoning Code or any condition or requirement specified under the provisions of the Zoning Code; or
  - b. The exact location of any district boundary shown on the Zoning map.

For additional information regarding interpretations, area variances, and use variances, please refer to section 270-48 of the Village of Ossining Zoning Code (available at [www.villageofossining.org](http://www.villageofossining.org)).

## **USE VARIANCE APPLICATION CHECKLIST**

**Please read carefully! A use variance can be very difficult to obtain. It is strongly suggested that the applicant enlist a professional to assist them with the process.**

- ☐ Pre-application meeting. Date: \_\_\_\_\_
- ☐ Submit all required documents digitally at [CitySquared.com](http://CitySquared.com)
  
- ☐ A copy of the referral letter from the Building Inspector (This requires an application to the Building Department)
- ☐ Completed variance application
- ☐ Completed zoning worksheet
- ☐ Copy of the property deed
- ☐ Notarized owner authorization form (if applicant is not owner)
- ☐ Legal survey of property, prepared, certified, and signed by a NYS licensed surveyor
- ☐ Photos of the site and neighboring properties
- ☐ Plans. All sets of plans must be signed and sealed by a NYS licensed professional architect or engineer. Site plans must include the following:
  - Title block with project title, address, and identifying information
  - Location and dimension of all property boundaries
  - Location of all existing overhead and underground utilities including, but not limited to, water, sewer, drainage, gas, electric, and communication
  - Location of all existing and proposed easements
  - Dimensions and paving materials of all existing and proposed sidewalks, curbs, curb-cuts, and streets including pavement markings
  - Location of emergency vehicle access, if different than existing public ways
  - Location and dimension of all existing and proposed driveways, garages carports, parking spaces, loading areas, maneuvering aisles, wheel-stops, pavement striping/markings and directional signage
  - Indicate existing and proposed paving materials, parking lot grades, turning movements, curb radius, and aisle widths
  - Location and dimension of all existing and proposed handicap accessible facilities, including handicapped parking, access ways, and wheelchair ramps
  - Location and dimension of snow storage areas
  - Location, height, and building materials of all existing and proposed fencing and walls
  - Location and size (diameter at breast height) of all existing trees and indication of any trees to be removed
  - Location of drainage ways, creeks, and wetlands.

**Provide a detailed narrative cover letter, along with supporting documentation, describing the variance request and addressing the following aspects of the Village Code section 270-48B(4) that the Board will consider:**

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by **competent financial evidence**. Additional documentation **must** be provided to support this criteria.
2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.

**For commercial uses, please provide the following information:**

1. Number of customers per day: \_\_\_\_\_
2. Number of employees: \_\_\_\_\_
3. Hours of operation: \_\_\_\_\_
4. Days of operation: \_\_\_\_\_
5. Hours of deliveries: \_\_\_\_\_
6. Frequency of deliveries: \_\_\_\_\_

**PLEASE ANSWER THE FOLLOWING:**

Is the site currently serviced by water, sanitary, and storm water lines?	Y	N
Is the site within the FEMA 100-year flood plain?	Y	N
Is the site within a Historic District? (If yes, a certificate of appropriateness will be required from the Historic Preservation Commission. <a href="https://www.villageofossining.org/historic-preservation-commission">https://www.villageofossining.org/historic-preservation-commission</a> )	Y	N
Is the site within the boundaries of the Local Waterfront Revitalization Program? (Properties west of Route 9. If yes, an LWRP consistency review by the Environmental Advisory Council is required. Responding incorrectly to this question could delay the application.)	Y	N

**SIGNATURE PAGE**

By signing below you deem this application complete according to the directives set forth by the Village of Ossining Department of Planning and the Village of Ossining Zoning Code. I/We acknowledge that all information presented herein is true to the best of my/our knowledge.

By submitting this application you are granting permission to the Zoning Board of Appeals members and Planning Department staff to visit and inspect the property.

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Signature of Applicant

Date

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Signature of Owner (If not the applicant)

Date

# VILLAGE OF OSSINING

## Planning Department

John-Paul Rodrigues Ossining Operations Center

101 Route 9A

Ossining, NY 10562

Phone: (914) 762-6232

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### ESTABLISHMENT OF AN ESCROW ACCOUNT

(See Attached Fee Schedule)

Please note that your Escrow Account will be billed by Village of Ossining consultants for review of your submission materials, site visits, development of review memorandum/letters, preparation and attendance at meetings, and written or oral communications pertaining to your application.

Upon completion of your project, please contact the Planning Department regarding reimbursement of any unused escrow money. It is understood that escrow balance will be monitored, and if it falls below a balance 50% of the initial fee, the applicant will replenish the balance to the amount required in the fee schedule. Nonpayment of this amount will freeze the application process and/or the Village may withhold approvals, the building permit, and/or the certificate of occupancy for the project.

Applicant Name: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

Property Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Contact Name for Escrow: \_\_\_\_\_

Mailing Address for Escrow: \_\_\_\_\_

Email Address (please print): \_\_\_\_\_

Phone Number for Escrow Contact: \_\_\_\_\_

Fax Number for Escrow Contact: \_\_\_\_\_

Please check all types of applications on the attached list and attach corresponding escrow fees.

(Applicant's Signature) \_\_\_\_\_ Date: \_\_\_\_\_

### **2023 ESCROW FEE SCHEDULE**

<b>✓</b>	<b>Application Type</b>	<b>Amount</b>
	Board of Architectural Review	\$0
	Site Plan less than 1,500 sq. ft. addition	\$1,500
	Site Plan 1,500 sq. ft. to 5,000 sq. ft. addition	\$3,500
	Site Plan greater than 5,000 sq. ft.	\$5,000
	Amended Site Plan	\$1,500
	Subdivision 1-2 units	\$1,500
	Subdivision 3 or more units	\$5,000
	Special Permit	\$750
	Wetland Permit applications to the Planning Board per §149-7	\$1,000
	Wetland Permit issued by Building Inspector per §149-6(D)	\$250
	Parking Waiver	\$750
	Conditional Use	\$750
	Use Variance	\$2,000
	Area Variance	\$0
	Other Village Code Appeal to ZBA /ZBA Zoning Code Interpretation	\$750
	Certificate of Appropriateness (if required by HPC)	\$500
	Zoning (Text/Map) Amendment	\$5,000
	Other Village Board or Planning Board applications/requests	\$2,000
	SEQR	See §118-8 of the Village Code

(\*) Fee amounts are based on a reasonable estimate of consultant expenses necessary for the specific review and may be adjusted up or down following evaluation by staff. Fees for applications or reviews not listed will be determined on a case-by-case basis after consultation between the Village Staff and the Consultants.



# Zoning Worksheet

ZONE:	Requirements	Existing Conditions	Proposed	Measurements of Variances Needed
Lot Area (sf) (Minimum)				
Lot Width (feet) (Minimum)				
Front Yard (feet) (Minimum or Max)				
One Side Yard (feet) (Minimum)				
Both Side Yards (feet) (Minimum)				
Rear Yard (feet) (Minimum)				
Livable Floor Area Per dwelling unit (Minimum)				
Habitable Floor Area Per dwelling unit (Minimum)				
Building Height (stories or feet whichever is less) (Maximum)				
Impervious Coverage (%) (Maximum)				
Building Coverage (%) (Maximum)				
Off-Street Parking Requirements (Minimum)				
Required buffer areas for abutting a residential district (if applicable)				
Maximum Density (if applicable)				
Other:				

- Enter minimum requirements. You can obtain the minimum required setbacks from Appendix B and parking requirements from Appendix C of the Zoning Code which can be found on our website, [www.villageofossining.org](http://www.villageofossining.org).

Existing Square Footage: \_\_\_\_\_

Square Footage of Addition: \_\_\_\_\_

Total Square Footage: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant and Date

**OWNER AUTHORIZATION FORM**

**FOR USE WHEN APPLICATION IS FILED BY ANYONE OTHER THAN  
PROPERTY OWNER**

**TO:**

Village of Ossining Planning Dept.

101 Rt. 9A, P.O. Box 1166

Ossining, NY 10562

**PROPERTY ADDRESS:** \_\_\_\_\_

I \_\_\_\_\_ (property owner) hereby authorize  
\_\_\_\_\_ to file a Land Use Board Application on my behalf to the  
Planning Board, Board of Architectural Review, Zoning Board of Appeals, or Historic  
Preservation Commission. If you should have any questions or require additional details, please  
feel free to contact me at the following phone number(s) \_\_\_\_\_ or email  
address \_\_\_\_\_.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTARY:** Sworn before me this day \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Notary