



Village of Ossining Zoning Board of Appeals

2018 Application

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Applications are also available on our website
www.villageofossining.org

DEPARTMENT OF PLANNING
John-Paul Rodrigues Ossining Operations Center
P.O. Box 1166 - 101 Route 9A
Ossining, NY 10562
Tel: (914) 762-6232
Fax: (914) 762-6208

If you have any questions on the application process, or would like to set up a pre-application meeting, please call.

General Information

Fees

Interpretation	\$300
Area Variance (1 or 2 dwelling units)	\$300
Use Variance	\$500
Area Variance (3 or more dwelling units, and/or commercial)	\$500
Other ZBA Actions	\$350

- 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 the Department of Planning you will be contacted. You will have one week in which to complete the application or the application will be held from the agenda until complete.**
- Applicant must be the Owner, Tenant, or Contract Vendee
- The applicant or a representative must be present at the hearing in order for the application to be considered.
- If a variance is granted by the Zoning Board, no construction shall commence until all required approvals are granted and permits obtained through the Building Department. You can contact the Building Department to determine what additional permits are required at 914-941-3199.

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 of Appeals.

- 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 (“ZBA”) 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.

The ZBA is not authorized to make declaratory rulings. To render an interpretation of the Zoning Code, Section 27-48 states that the Application must meet several requirements:

- A. Must be appealing an order, requirement, decision, or determination made by a Village administrative official, board, or agency; and
- B. Must be requesting the ZBA to decide only the following;
 1. 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
 2. The exact location of any district boundary shown of the Zoning Map

For additional information regarding interpretation, area variances and use variances please refer to Section 270-48 of the Village of Ossining Zoning Code (available online @ villageofossining.org).

NOTE: A variance is a permanent change that stays with the property no matter who owns it. Therefore, a variance cannot be granted solely to satisfy the needs of the present owner.

***By signing below you deem this application complete according to the directives set forth by the Village of Ossining Planning Department and the Village of Ossining Zoning Code.**

Signature of Owner: _____ **Date:** _____

Signature of Applicant, if not Owner: _____ **Date:** _____

***By submitting this application you are granting permission to the Zoning Board members to visit and inspect the property. Members of the Zoning Board may inspect the property on the Saturday morning before the meeting, usually between 10:00 am and noon. If possible the applicant should be available to explain the request. Please sign below to indicate your understanding of this policy.**

Signature of Owner: _____ **Date:** _____

Checklist for: Area Variance Application

Submit **TWELVE (12) COPIES** of the following along with the non-refundable fee:

- Pre-application meeting. Date: _____
- A copy of the denial letter from the Building Inspector (Requires pre-application to Building Dept.)
- Completed application form (Page 7-8)
- Completed Zoning worksheet – Please indicate the feet and/or inches for the required variance under the “Variance Needed” column (Page 10).
- Plans outlining what you are proposing. Include measurements and dimensions of any and all additions proposed. The measurements to all front, side, and rear lot lines must be clearly defined. **All sets of plans must be signed and sealed by a NYS licensed professional architect or engineer.**
- Legal survey of property prepared, certified, and signed by a NYS licensed surveyor
- Pictures of the site and neighboring properties.
- Provide a detailed written narrative on a separate sheet of paper concerning the following:
 1. What you are proposing that requires a variance
 2. 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;
 3. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 4. Whether the requested variance is substantial;
 5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
 6. Whether the alleged difficulty was self-created. Each purchaser is presumed to have known the permitted uses and restrictions on the property at time of purchase; and
 7. Why the benefit to the applicant outweighs any detriment to the health, safety and welfare of the neighborhood.

Submit **ONE (1) COPY** of the following item:

- If applicant is the owner, copy of the deed. If applicant is not the owner, a copy of the deed and contract is still required, along with a notarized letter of permission, or power of attorney needs to be submitted (applicants are not to be the architects).
- An electronic copy (CD or PDF) of the plans, documents, and application sent to:
JKane@villageofossining.org

Checklist for: Use Variance Application

Submit **TWELVE (12) COPIES** of the following along with the non-refundable fee:

- Pre-application meeting. Date: _____
- Completed application form (Page 7-8)
- A copy of the denial letter from the Building Inspector (Requires pre-application to Building Dept.)
- Zoning worksheet – please indicate the feet and/or inches for the required variance under the “Variance Needed” column (Page 10).
- Plans outlining what you are proposing. Include measurements of any additions being made. The measurements to all front, side, and rear lot lines must be clearly defined. **All sets of plans must be signed and sealed by a NYS licensed professional architect or engineer.**
- Legal survey of property prepared, certified, and signed by a NYS licensed surveyor.
- Pictures of the site.
- Provide detailed written statements on a separate sheet of paper concerning the following:
 1. What you are proposing that requires a variance.
 2. Applicant should provide financial evidence as to why the property cannot make reasonable return in the zoning district in which the applicant’s property is located. The evidence should show what the return would be under each use permitted in the district and that under each use, the property would fail to make a reasonable, substantial return. Tax returns, mortgage statements, and other competent evidence should be submitted.
 3. How the alleged hardship relating to the **PROPERTY** in question is unique and does not apply to a substantial portion of the district or neighborhood.
 4. How the required use variance, if granted, will not alter the essential character of the neighborhood.
 5. How the alleged hardship has not been self created. Each purchaser is presumed to have known the permitted uses and restrictions on the property at time of purchase.

Submit **ONE (1) COPY** of the following item:

- If applicant is the owner, copy of the deed. If applicant is not the owner, a copy of the deed and contract is required, along with a notarized letter of permission, or power of attorney needs to be submitted (applicants are not to be the architects).
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JKane@villageofossining.org

Checklist for: Interpretation or Other Appeal Application

If additional documentation is needed The Planning/Building Department will contact you

Submit **TWELVE (12) COPIES** of the following along with the non-refundable fee:

- Attended a pre-application meeting. Date: _____
- Copy of the denial letter from the Building Inspector (Requires pre-application to Building Dept.)
- Completed application form (Page 7-8)
- Provide a detailed written narrative on what section of the zoning code or other code needs to be interpreted or appealed and for what reason.
- Completed Zoning Worksheet (if necessary).
- A survey, prepared and certified by a NYS licensed surveyor.
- Plans, signed and sealed by a NYS licensed professional, clearly delineating the proposed changes.
- Pictures of the site.

Submit **ONE (1) COPY** of the following item:

- If applicant is the owner, copy of the deed. If applicant is not the owner, a copy of the deed and contract is still required, along with a notarized letter of permission, and/or power of attorney needs to be submitted (applicants are not to be the architects).
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- B. Must be requesting the ZBA to decide only the following;
 - 1. 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
 - 2. The exact location of any district boundary shown of the Zoning Map.



VILLAGE OF OSSINING PLANNING DEPARTMENT
Tel: (914)762-6232 FAX: (914) 762-6208

APPLICATION TO THE ZONING BOARD OF APPEALS

Date Filed: _____ Appeal No.: _____

Location of Property: _____

Section _____ Block _____ Lot _____ Zone _____

Property Type: Residential Commercial Industrial Mixed use
 Downtown Row Building Other _____

No. of dwelling units (residential): _____ CO? Yes (Year _____) No

No. of commercial units (if applicable): _____

Name of Applicant: _____

Address: _____

Telephone #: _____

E-mail Address: _____

Name of Owner: _____

Address: _____

Telephone #: _____

E-mail Address: _____

Name of Architect/Engineer: _____

Address: _____

Telephone #: _____

E-mail Address: _____

Application (Continued)

I/We hereby appeal to the Zoning Board of Appeals based on the decision of the Building Inspector with respect to:

- Interpretation of the Zoning Ordinance or Zoning Map [Section 270-48(A)]**
- Use Variance [Section 270-48(B)(4)] (answer applicable questions)**
- Area Variance [Section 270-48(B)(2)] (answer applicable questions)**
- Other Appeal (Specify) _____**

1. Provide Section of the Zoning Ordinance that pertains to your appeal:

Section	Title of Section
_____	_____
_____	_____

2. Reason for appeal:

Applicants submitting an application for an Area or Use variance need to answer

Area Variance

1. What you are proposing that requires a variance

2. 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;
3. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
4. Whether the requested variance is substantial;
5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
6. Whether the alleged difficulty was self-created. Each purchaser is presumed to have known the permitted uses and restrictions on the property at time of purchase; and
7. Why the benefit to the applicant outweighs any detriment to the health, safety and welfare of the neighborhood.

Use Variance

1. What you are proposing that requires a variance.
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3. How the alleged hardship relating to the PROPERTY in question is unique and does not apply to a substantial portion of the district or neighborhood.
4. How the required use variance, if granted, will not alter the essential character of the neighborhood.
5. How the alleged hardship has not been self created. Each purchaser is presumed to have known the permitted uses and restrictions on the property at time of purchase.

Signature of Applicant & Date

ZONING WORKSHEET

ZONE:	Requirements	Existing Conditions	Proposed	Variances Needed (Calculate)
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.
- Enter existing conditions
- Enter the proposed setbacks
- Enter variances needed by subtracting proposed measurements from requirements

Existing Square Footage: _____

Square Footage of Addition: _____

Total Square Footage: _____

Signature of Applicant & Date

Village of Ossining

ZONING BOARD OF APPEALS

2018 SCHEDULE

PLEASE NOTE: Fully completed application submissions MUST BE RECEIVED BY 12:00 pm on the deadline date. Any applications received after 12:00 pm or that are incomplete will be scheduled for the following month. NO EXCEPTIONS.

Deadline for Submission	Deadline for Revisions (Returning Applicants)*	Applicant to Send Out Notice to Abutting Property Owners**	Hearing Date
12:00 pm Thurs., 12/7/17	12:00 pm Thurs., 12/21/17	By COB Fri., 12/29/17	7:00 pm Tues., 1/9/18
12:00 pm Thurs., 1/11/18	12:00 pm Mon., 1/22/18	By COB Fri., 2/2/18	7:00 pm Tues., 2/13/18
12:00 pm Thurs., 2/8/18	12:00 pm Mon., 2/26/18	By COB Fri., 3/2/18	7:00 pm Tues., 3/13/18
12:00 pm Thurs., 3/8/18	12:00 pm Mon., 3/26/18	By COB Fri., 4/3/30/18	7:00 pm Tues., 4/10/18
12:00 pm Thurs., 4/5/18	12:00 pm Mon., 4/23/18	By COB Fri., 4/27/18	7:00 pm Tues., 5/8/18
12:00 pm Thurs., 5/10/18	12:00 pm Mon., 5/21/18	By COB Fri., 6/1/18	7:00 pm Tues., 6/12/18
12:00 pm Thurs., 6/7/18	12:00 pm Mon., 6/25/18	By COB Fri., 6/29/18	7:00 pm Tues., 7/10/18
12:00 pm Thurs., 7/12/18	12:00 pm Mon., 7/23/18	By COB Fri., 8/3/18	7:00 pm Tues., 8/14/18
12:00 pm Thurs., 8/9/18	12:00 pm Mon., 8/27/18	By COB Fri., 8/31/18	7:00 pm Wed., 9/12/18
12:00 pm Thurs., 9/6/18	12:00 pm Mon., 9/24/18	By COB Fri., 9/28/18	7:00 pm Tues., 10/9/18
12:00 pm Thurs., 10/11/18	12:00 pm Mon., 10/22/18	By COB Fri., 11/2/18	7:00 pm Tues., 11/13/18
12:00 pm Thurs., 11/8/18	12:00 pm Mon., 11/26/18	By COB Fri., 11/30/18	7:00 pm Tues., 12/11/18
12:00 pm Thurs., 12/6/18	12:00 pm Thurs., 12/20/18	By COB Fri., 12/28/18	7:00 pm Tues., 1/8/19

NOTE: Zoning Board of Appeals meetings are held at 7:00 PM at the Ossining Operations Center (Armory), 101 Route 9A, Ossining, NY. If a special meeting is required, applicants will be notified. Applicant(s) or representatives must appear at the scheduled hearing.

**For applicants presently on an agenda who have been asked to submit additional information or revisions.*

***Notice shall be mailed by the Applicant by Close of Business at the Post Office.*

NOTE: Applicant must bring in proof of mailing, the return receipt from the USPS, the Friday before the ZBA meeting.

Susanne Donnelly
Chairman
Zoning Board of Appeals