



Village of Ossining
Zoning Board of Appeals
2020
Application for Area Variance

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Applications are also available on the Village 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

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

***Double for retroactive action for all of the above.**

- 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. All applications must be signed by the Owner or legal representative of the Owner.
- 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 of Appeals (“ZBA”), 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 ZBA.

- 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.
- C. Hearing appeals from denials of Certificate of Appropriateness or hardship application to the Historic Preservation Commission.

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 or on request by any official, board, or agency of the Village; 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 on 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 at 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.

Variance Application Checklist

***Please read carefully!**

- Pre-application meeting. Date: _____

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

- A copy of the denial letter from the Building Inspector (Requires pre-application to Building Dept.)
- Completed Area and/or Use Variance Application
- Completed Zoning worksheet – Please indicate the feet and/or inches for the required variance under the “Variance Needed” column (Page 12).
- 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 and following information:
 - street address
 - name and address of property owner
 - name and address of applicant if different than property owner
 - name and address of person(s) who produced plans
 - north arrow
 - scale: ¼” = 1’, 3/16” = 1’, 1/8” = 1’, 1” = 10’, 1”=20’, 1”=30’ or scale approved by Planning
 - date prepared and revision history block
 - tax parcel number
 - Location and dimension of all property boundaries
 - Location of all existing overhead and underground utilities included 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 (including curb-cuts on adjacent neighbor’s lots), and streets including pavement markings. Location of emergency vehicle access if different than existing public way(s).
 - 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 handicap 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 -DBH) of all existing trees and indication of any trees to be removed.
- Location of drainage ways, creeks, and wetlands.
- Legal survey of property prepared, certified, and signed by a NYS licensed surveyor
- Pictures of the site and neighboring properties.

Area Variance Application

Date Filed: _____

Application No. _____

Location of Property: _____

Section _____ Block _____ Lot _____ Zoning District _____

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: _____

Provide answers and detailed statements concerning each of the following:

1. What you are proposing that requires a variance?
2. How will the proposal be in the character with the neighborhood and not be a detriment to nearby properties by the granting of the area variance?
3. Have alternatives other than an area variance been sought by the applicant to achieve objectives?
4. Explain how the variance requested the minimum needed to achieve the goal:
5. How does the proposed variance not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

6. Each purchaser of a property is presumed to have known the permitted uses and restrictions on the property at time of purchase. Please explain how the alleged difficulty was not self-created:

7. Did you do something to your property to cause the need for this variance (i.e. previous activities such as grading, excavation, additions, or improvements)?

8. Why can't the location, dimensions, or other size factors be reduced or modified to minimize the variance(s) requested?

9. Please explain why the benefit to the applicant outweighs any detriment to the health, safety and welfare of the neighborhood:

10. For commercial uses, please complete the following:
- a. Number of customers per day _____
 - b. Number of employees _____
 - c. Hours of operation _____
 - d. Days of operation _____
 - e. Hours of deliveries _____
 - f. Frequency of deliveries _____
11. Is the site currently serviced by water, sanitary and storm water lines? Yes ___ No ___
- a. If services, are the lines large enough to accommodate the water and sewer needs of your proposed use? Yes ___ No ___
 - b. If water and sewer lines are not present or insufficient, how will they be provided or improved?
12. Is the site with the 100-year floodplain? Yes ___ No ___
If yes, a floodplain development permit is required.
13. Is the site with a Historic District (see [Zoning Map](#))? Yes ___ No ___
If yes, a certificate of appropriateness from the Historic Preservation Commission may be required.
14. Is the site with the boundaries of the Local Waterfront Revitalization Program (any property west of Route 9 in the Village)? Yes ___ No ___
If yes, an LWRP Consistency Review may be required.

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

***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. I/we acknowledge that all information presented herein is true to the best of my/our knowledge.**

Signature of Owner:

_____ **Date:** _____

Signature of Applicant, if not Owner:

_____ **Date:** _____

***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. 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:** _____

FOR OFFICE USE ONLY:

Date Filed: _____ Appeal No.: _____

Received by: _____

Zoning Worksheet

ZONE:	Requirements	Existing Conditions	Proposed	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.
- 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 and Date



VILLAGE OF OSSINING
ZONING BOARD OF APPEALS
2020 SCHEDULE

Completed applications must be received in the Planning Department office by 12:00 pm on the date indicated.

Meetings are held at 7:00 pm at the John Paul Rodrigues Ossining Operations Center on Route 9A.

New Submission Deadline	Revision Deadline* (Returning Applicants)	Neighbor Notices** (Send by close of business)	Hearing Date
Thurs., 12/12/19	Mon., 12/16/19	Fri., 1/3/20	Tues., 1/14/20
Thurs., 1/9/20	Mon., 1/27/20	Fri., 1/31/20	Tues., 2/11/20
Thurs., 2/6/20	Mon., 2/24/20	Fri., 2/28/20	Tues., 3/10/20
Thurs., 3/12/20	Mon., 3/30/20	Fri., 4/3/20	Tues., 4/14/20
Thurs., 4/9/20	Mon., 4/27/20	Fri., 5/1/20	Tues., 5/12/20
Thurs., 5/7/20	Fri., 5/22/20	Fri., 5/29/20	Tues., 6/9/20
Thurs., 6/11/20	Mon., 6/29/20	Fri., 7/2/20	Tues., 7/14/20
Thurs., 7/9/20	Mon., 7/27/20	Fri., 7/31/20	Tues., 8/11/20
Thurs., 8/6/20	Mon., 8/24/20	Fri., 8/28/20	Tues., 9/8/20
Thurs., 9/10/20	Mon., 9/28/20	Fri., 10/2/20	Tues., 10/13/20
Thurs., 10/8/20	Mon., 10/26/20	Fri., 10/30/20	Tues., 11/10/20
Thurs., 11/5/20	Mon., 11/23/20	Fri., 11/27/20	Tues., 12/8/20
Thurs., 12/10/20	Mon., 12/28/20	Thurs., 12/30/20	Tues., 1/12/21

**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. Applicant must bring in proof of mailing by the Friday before the Zoning Board of Appeals meeting.*