



**Village of Ossining
Zoning Board of Appeals
2020
Application for Use 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

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

***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.

Date Filed: _____

Application No. _____

Use Variance Application

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: _____

4. 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.

5. Is the site with the boundaries of the Local Waterfront Revitalization Program (any property west of Route 9)?

Yes ___ No ___

If yes, an LWRP Consistency Review is required.

6. Please answer the following questions to show that the current property owner is being deprived of all economic use or benefit from the property in question under the applicable zoning regulations. The deprivation must be established by competent financial evidence.

- a) Estimated cost of the proposed improvements/alterations to the property that necessitates the variance(s)? \$

- b) How was this estimate determined? _____
- c) When was the property purchased? _____
- d) What was the purchase price for the property? _____
- e) What is the present value of the property?

- f) If a professional appraisal has been done of the property, what is the appraised value? _____
- g) What are the monthly/annual expenses for the property?
 - 1. Monthly mortgage: \$ _____
 - 2. Monthly _____ \$ _____
 - 3. Monthly _____ \$ _____
 - 4. Yearly taxes: \$ _____
 - 5. Yearly insurance: \$ _____
 - 6. Other: \$ _____
- h) Amount of outstanding debts against the property per month? \$

- i) How much income is generated from the property per month: \$

- j) What is the nature of this income (rent, sales, etc.)?

- k) Is your property currently for sale?
 Yes No (If No, please continue with question l)

1. How long has the property been for sale?

2. How has it been advertised?

3. How many offers have been made for the property and for how much?

4. Is the property currently listed with a realtor? Yes___ No ___
If Yes, please name the realtor:

5. Have you previously tried to sell your property? Yes ___ No ___
(If No, please continue with question 1)
6. How much were you asking for the property? _____
7. How long was the property for sale? _____
8. How was it advertised? _____
9. How many offers were made for the property and for how much?

10. Was the property previously listed with a realtor? Yes___
No___ If Yes, please name the realtor:

- 1) Explain how you would be negatively affected in an economic or financial way if you did not obtain the variances requested. *Please do not comment on your personal financial situation*, such as “I am on a small pension and need additional income” or “I am unemployed.” Your answer must address economic circumstances in relation to the property and its present inability to provide you with a reasonable (not the best) financial return under the present zoning regulations.

- m) Please describe how the alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood.

- n) Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area.

- o) 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.

- p) Explain 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).
- 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 Applicant:

_____ **Date:** _____

Signature of Owner, if not the applicant:

_____ **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.: _____

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.*