



## Town of Schroepfel

Zoning Board of Appeals  
69 County Route 57A  
Phoenix, NY 13135  
315-695-6075

# ZBA Application Packet **PLEASE READ**

The Zoning Board of Appeals has the power to issue interpretations of the Zoning Ordinance and to grant special permits, use variances and area variances. No such relief may be granted unless the applicant has proven his/her case and satisfied the applicable Standards of Proof. In other words, the applicant 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 applicant to prove his/her 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 because 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.

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Any exhibits including maps, surveys, and documents, which you intend to offer into evidence at the hearing must be provided when you submit your application so each Board Member and Secretary will have them. No Exhibits will be returned.

**Packet Attachments:**

Procedure and General Information	SEQR Short Form
Criteria Used for Variances	Verification (Individual, Corporation)
Application for ZBA Variance	Supplemental Application Agricultural Districts



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# Procedures and General Information when applying to Zoning Board of Appeals

### Necessary Documents:

01. Six (6) sets of plans are required, including material list.
02. Survey required showing where structure will be placed, property distance from side, front and rear of new structure.
03. Must have all paperwork filed with codes office **fifteen (15) business days** before hearing can be heard (excluding weekends).
04. Five complete application copies must be provided to the codes office.
05. Names and addresses of all owners within five hundred (500) feet of your property lines. *(Prepared by Code Enforcement Clerk)*
06. A one-hundred-and-fifty dollar **(\$150.00)** administration fee (cash or check) must be paid when turning in the application. If fee is not paid, your hearing cannot be heard.



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### **APPLICATION FOR ZONING BOARD OF APPEALS**

#### **CRITERIA USED FOR DETERMINING AN AREA VARIANCE**

01. IS THE REQUESTED VARIANCE SUBSTANTIAL ?
02. WILL AN UNDERSIRABLE CHANGE BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR WILL A DETRIMENT TO NEARBY PROPERTIES BE CREATED BY THE GRANTING OF THE AREA VARIANCE ?
03. CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE ?
04. WAS THE ALLEGED DIFFICULTY SELF-CREATED ? (A "YES" DOES NOT IN ITSELF PRECLUDE THE GRANTING OF THE VARIANCE.)
05. WILL A VARIANCE HAVE AN ADVERSE EFFECT ON THE NEARBY PHYSICAL OR ENVIRONMENTAL CONDITIONS ?

#### **CRITERIA USED FOR DETERMINING A USE VARIANCE**

01. THE LAND IN QUESTION CANNOT YIELD A REASONABLE RETURN IF USED ONLY FOR A PURPOSE ALLOWED UNDER ITS PRESENT ZONING.
02. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES AND NOT DUE TO GENERAL CONDITIONS IN THE NEIGHBORHOOD WHICH MAY REFLECT THE UNREASONABLENESS OF THE ZONING ORDINANCE ITSELF.
03. THE USE TO BE AUTHORIZED BY THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY.
04. THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.



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## APPLICATION FOR ZONING BOARD OF APPEALS

**FILING FEE: \$150.00 (cash or check only)**

What type of action are you applying for? A **USE** variance is a variance for the use of land for a purpose which is otherwise not allowed or is prohibited by zoning regulations. An **AREA** variance is for the appeal for the use of land in a manner which is not allowed because of the dimensional or physical requirements of the applicable zoning regulations. *Circle One:*

ZBA Use Only	
Appl # ZBA	_____
Date Received:	_____
By:	_____
	(initials)

USE Variance      AREA Variance      Special use permit      Interpretation

**APPLICANT INFORMATION** (When applying for a variance for property for which you are not the owner, a signed statement authorizing you as a designated representative of such owner must accompany your application). If there are two or more applicants, provide the following information for each.

Name \_\_\_\_\_

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

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

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: (\_\_\_\_) \_\_\_\_\_

### PROPERTY INFORMATION

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

Tax Map I.D. Number: \_\_\_\_\_ Zoning District(s) \_\_\_\_\_

Acreage of Property: \_\_\_\_\_

Owner(s) of Record: \_\_\_\_\_

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

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

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: (\_\_\_\_) \_\_\_\_\_

*Continued...*



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Is the property located within five hundred feet (500') of any of the following:

- (i) the boundary of any city, village or town;
- (ii) the boundary of any existing or proposed county or state park or any other recreation area; or,
- (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or,
- (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established canal lines; or,
- (v) the existing or proposed boundary of a farm operation located in an agricultural district, as defined by Article twenty-five-AA of the Agriculture and Markets law, except this shall not apply to the granting of area variances.

Circle one: YES NO

## DESCRIPTION OF PROPOSED PROJECT OR REQUESTED INTERPRETATION:

(Attach additional sheets if necessary.) \_\_\_\_\_

## PREVIOUS ACTION REQUESTED OR TAKEN ON THIS PROPERTY: \_\_\_\_\_

## THE FOLLOWING ITEMS MUST BE SUBMITTED WITH YOUR APPLICATION.

Documentation must be submitted to Code Enforcement Office at least **fifteen (15) days prior** to the date of hearing. Note: at the ZBA meeting, the application will be reviewed. If approved, a public hearing date will be assigned. In those cases where a 239 County Planning Referral is necessary, it would be advantageous for the applicant to submit his/her application as soon as practical to expedite the application process.)

1. SEQR SHORT FORM 617.21- Appendix C (*copy attached*) – with Part I to be filled out by the applicant (for Type II unlisted actions only);
2. Individual Verification form (*copy attached*);
3. Town of Schroepfel Supplemental Application Agricultural Districts form (copy attached);
4. Zoning map illustrating affected area;
5. Site Plan map showing:
  - a. Scale (ex 1"=20', or for a site less than one acre, some other agreed-upon scale).
  - b. North arrow.
  - c. Physical characteristics of site, existing and proposed, including septic and well location(s).
  - d. Layout plan showing buildings, parking, and available utilities.
  - e. Surface and subsurface drainage plan (if applicable), incorporated within layout plan.
  - f. For commercial activities, locations of signs and outdoor lighting, if any.
6. Deed – two copies for proof of ownership.
7. Five (5) copies (at least one certified) of an up-to-date survey prepared by a licensed land surveyor showing existing property.
8. List of all property owners within 500 ft of said property (**Prepared by Code Enforcement Clerk**).

Continued....



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The applicant has the burden of proving to the Zoning Board that each requested variance is justified. Refer to "Guidelines for Applicants to the Zoning Board of Appeals" for additional information at <https://dos.ny.gov/guidelines-applicants-zoning-board-appeals>

As a quasi-judicial board, the ZBA will balance the benefit to the applicant with any potential detriment to the health, safety and welfare of the community and, as required by law, will consider the following points:

*Relating to Area Variance:*

- a. 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 said variance.
- b. Whether the benefit sought can be achieved by some other feasible method for the applicant to pursue.
- c. Whether the requested variance is substantial.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,
- e. Whether the alleged difficulty was self-created, and consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

*Relating to Use Variance:*

- a. The applicant cannot realize a reasonable return, provided lack of return is substantial as demonstrated by competent financial evidence.
- b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood;
- d. That the alleged hardship has not been self-created.

## CERTIFICATION

I hereby certify that the information I have provided in this application, including any attached items, are true and correct to the best of my knowledge.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
***For official use only***

The Zoning Board of Appeals of the Town of Schroepfel hereby **denies** the above-listed application for the following reason:

\_\_\_\_\_

The Zoning Board of Appeals hereby **grants** the above-listed request with the following **Terms and Conditions**:

\_\_\_\_\_

The Zoning Board of Appeals hereby **grants** the following interpretation regarding the above-listed application.

\_\_\_\_\_

As so stated in the minutes on file in the Office of Code Enforcement, you may **within 30 days** appeal this decision by Article 78 of the New York Civil Practice Law and Rules.



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## INDIVIDUAL VERIFICATION

STATE OF NEW YORK)  
COUNTY OF OSWEGO) SS:

\_\_\_\_\_ being duly sworn, deposes and says that he/she is the (Applicant/Petitioner) in this (Application/Petition); that he/she has read the foregoing instrument and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

\_\_\_\_\_  
\_\_\_\_\_  
Applicant(s)

*Subscribed and sworn to before me on this*  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

*notary stamp*

\_\_\_\_\_  
*Notary Public Signature*

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## CORPORATE VERIFICATION

STATE OF NEW YORK)  
COUNTY OF OSWEGO) SS:

\_\_\_\_\_ being duly sworn, deposes and says that he/she is the \_\_\_\_\_ of \_\_\_\_\_, the corporation named in the within entitled Application/Petition, that he/she has read the forgoing instrument and knows the contents thereof, and that the same is true to his/her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

\_\_\_\_\_  
\_\_\_\_\_  
Applicant(s)

*Subscribed and sworn to before me on this*  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

*notary stamp*

\_\_\_\_\_  
*Notary Public Signature*



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### SUPPLEMENTAL APPLICATION AGRICULTURAL DISTRICTS

01. This property is within an Agricultural District containing a farm operation or is on property with boundaries within 500 feet of a farm operation location in an Agricultural District.

YES \_\_\_\_\_ NO \_\_\_\_\_

02. If the above answer is YES, the applicant has prepared an Agricultural Data Statement which is annexed hereto.
03. I, the applicant, have made the above determinations by the review of the Town real property tax maps and the applicable agricultural District maps.

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Applicant

Date

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Owner

Date