



CITY OF ONEIDA
Department of Planning &
Development



PROCEDURE FOR REQUESTING AN AREA VARIANCE

City of Oneida – City Code Chapter 190 and NYS General City Law §81-b

Area variances within the City of Oneida are governed by Chapter 190 (Zoning) of the City Code and New York State General City Law §81-b. The following outlines the required process.

Step 1 – Initial Determination / Code Enforcement Review

Prior to submitting an application, the applicant should contact the Code Enforcement Officer to determine whether the proposed project complies with the City of Oneida Zoning Code.

If the proposal does not comply with dimensional requirements (such as setbacks, height, size, or placement), the Code Enforcement Officer may deny the application or otherwise determine that an area variance is required.

The applicant may then proceed with an Area Variance Application.

Step 2 – Submission of Area Variance Application

The applicant shall submit:

- completed Area Variance Application (Standard or Signage, as applicable)
- required application fee (per City fee schedule)
- tax map / location map (provided by Assessor's Office)
- site plan or site sketch showing required dimensional information
- written responses to the Area Variance Criteria (included in application)



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- any supporting materials (photos, drawings, renderings, etc.)

For signage-related variances, the applicant shall also submit:

- Sign Permit Application and sign details

If the applicant is not the property owner, the property owner must authorize the application.

Applications that do not include the required materials may be deemed incomplete and will not be scheduled for review.

Step 3 – Completeness Determination

Upon submission, the Department of Planning and Development will review the application for completeness.

Applications that are incomplete may be:

- returned to the applicant for revision
- held until required materials are submitted
- not scheduled for Planning Commission / Zoning Board of Appeals review

The City reserves the right to require additional information necessary to determine compliance with Chapter 190.

Step 4 – Environmental Review (SEQR)

The applicant must comply with the State Environmental Quality Review Act (SEQR).

The Planning Commission / Zoning Board of Appeals will complete the required environmental review prior to taking action on the application.



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Step 5 – County Referral (If Required by Law)

If the project meets referral thresholds under General Municipal Law §239-m (including proximity to county or state roads, municipal boundaries, or other triggers), the application will be referred to the Madison County Planning Department.

No final action will be taken until the County response is received or the statutory review period has expired.

Step 6 – Public Hearing

A public hearing will be scheduled in accordance with Chapter 190.

Notice of the public hearing will be published in the City's official newspaper at least five (5) days prior to the hearing.

Applicants or their representatives are expected to attend the public hearing to present the request and answer questions.

Step 7 – Decision

The Planning Commission / Zoning Board of Appeals will render a decision in accordance with Chapter 190 and New York State General City Law §81-b.

In making its determination, the Board will consider the Area Variance Criteria, including:

- potential impacts to the neighborhood
- feasible alternatives
- substantiality of the request
- environmental or physical impacts
- whether the difficulty is self-created

The Board may:

- approve
- approve with conditions



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- deny

The decision must be rendered within sixty-two (62) days after the close of the public hearing, unless extended by mutual consent.

Step 8 – Filing and Appeals

The decision of the Planning Commission / Zoning Board of Appeals will be filed with the City Clerk.

Any person aggrieved by the decision may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

Such action must be commenced within thirty (30) days after the filing of the decision.

Additional Notes

- The Planning Commission / Zoning Board of Appeals meets on the second Tuesday of each month.
- Application submission deadlines are established by the Department of Planning and Development.
- Applicants are strongly encouraged to consult with staff prior to submission to ensure a complete application.