

CITY OF ONEIDA
DEPARTMENT OF PLANNING AND DEVELOPMENT



109 North Main Street
Oneida, New York 13421
Tel.: 315-363-7467
Fax: 315-363-2572

APPLICATION FOR A USE VARIANCE

The appeal concerns property at the following address:

Zone _____ Ward _____

Tax Map # _____

Applicant:

Name: _____

Signature _____

Address: _____

Date _____

Phone: _____

Email: _____

If the property on which the Use Variance is being requested is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.

The applicant's appeal from a decision of the Code Enforcement Officer concerns the following:

- ☐ Denial of an Application for a Building Permit (attach to Application)
- ☐ Denial of an Application for a Certificate of Occupancy (attach to Application)
- ☐ Denial of an Application for a Certificate of Compliance (attach to Application)

Date of Code Enforcement Officer's Decision: _____

Proposed Activity: _____

Type of variance requested: _____

Reason for variance: _____

Describe the character of the neighborhood: _____

Use Variance Fee: \$200 Please make check payable to City of Oneida

FOR OFFICE USE:

Application Number: _____

Date of Public Hearing: _____

Date Received by Planning: _____

Date of Final Action _____

Action Filing Date _____

☐ Approved ☐ Denied

USE VARIANCE TEST

No use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- 2) 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;
- 3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) That the alleged hardship has not been self-created.

Applicant must attach a Summary Use Appraisal Report addressing the four criteria listed above.

Statement from Adjoining Property Owner

To be completed by the Petitioner

Owner: _____

Project address: _____

Requested variance: _____

I certify that the plans presented to the undersigned neighbor for his/her review are identical to those plans for which an Use Variance is being requested.

Signature of Owner

Date

To be completed by the Neighbor

Name: _____

Address: _____

I have reviewed the above request for an Area Variance.

- ☐ I have no objection to the above request.
- ☐ I object to the above request.

Signature

Date

Statement from Adjoining Property Owner

To be completed by the Petitioner

Owner: _____

Project address: _____

Requested variance: _____

I certify that the plans presented to the undersigned neighbor for his/her review are identical to those plans for which an Use Variance is being requested.

Signature of Owner

Date

To be completed by the Neighbor

Name: _____

Address: _____

I have reviewed the above request for an Area Variance.

- ☐ I have no objection to the above request.
- ☐ I object to the above request.

Signature

Date

Procedure for Requesting a Use Variance

1. Applications for a Use Variance may be obtained from the Planning Department. When the application is completed and returned, it will be reviewed by the Madison County Planning Department, if required by law, then referred to the Joint Zoning Board of Appeals/Planning Commission for determination.
2. The applicant must send a neighbor statement via certified mail to all adjacent neighbors. The completed neighbor statement must be returned to the **Department of Planning and Development at 109 N. Main Street, Oneida, NY 13421** by the neighbor, not the applicant.
3. A copy of the tax map showing the property in question and adjoining owners must be submitted with the application. This will be provided by the Assessor's Office.
4. The application must be accompanied by a Summary Use Appraisal Report addressing the four criteria listed above.
 - a. 14 paper copies must be submitted to the Planning Director as well as 1 digital copy of the Summary Use Appraisal Report.
5. If the applicant is not the subject property owner, the owner must sign the application.
6. The Joint Zoning Board of Appeals/Planning Commission will schedule a Public Hearing within a reasonable time. The Public Hearing Notice must appear in the newspaper at least five (5) days before the hearing.
7. Following the Public Hearing, the Joint Zoning Board of Appeals/Planning Commission reaches a decision and puts its decision in writing. The decision may be reached on the night of the public hearing or at a later date. However, the decision must be reached within thirty (30) days of the public hearing.
8. If a person wants to challenge the decision of the Joint Zoning Board of Appeals/Planning Commission, an application can be made to the State Supreme Court for relief by a proceeding under Article 78 of the civil practice law and rules. This action must be taken within thirty (30) days of the decision.
9. The Joint Zoning Board of Appeals/Planning Commission meets on the second Tuesday of each month. Applications must be submitted 19 calendar days prior to the meeting.
10. Applicants **should** attend the Joint Zoning Board of Appeals/Planning Commission meeting.