

AREA VARIANCE APPLICATION

CITY OF GENEVA, NEW YORK

An area variance is defined as the authorization by this city's Zoning Board of Appeals for the use of land in manner that is not allowed by dimensional or physical requirements of this City's Zoning Code. Property owners wishing to use their land(s) that exceed these requirements must apply to the City's **Zoning Board of Appeals (ZBA)** for an area variance prior to the start of any work and/or the issuance of a building permit. In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Furthermore, the ZBA, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Imposing conditions on area variances:

This city's Zoning Board of Appeals (ZBA) has the authority to impose reasonable conditions and restrictions when granting an area variance if they are directly related to and incidental to the proposed use of the property. Once the ZBA has imposed a condition on an applicant, it shall be complied with before the City of Geneva, New York can issue a building permit and/or a certificate of occupancy. The purpose of these conditions is to minimize the adverse impact of the variance on the neighborhood or community. These conditions can be related to fences, safety devices, landscaping, screening and access roads, traffic, outdoor lighting and noises, and enclosures of buildings, emission of odors, dust, smoke, refuse matter, vibrations, parking and other factors incidental to comfort, peace, enjoyment, health or safety of the surrounding area.

Schedule:

Please refer to the City Of Geneva website, www.cityofgenevany.com, under forms, for the Zoning Board schedule of application deadlines for the specific date when applications are due.

Contacting the City's Superintendent Of Building & Zoning:

Prospective applicants are strongly advised to consult with this city's Superintendent of Building & Zoning before submitting their application. The coordinator will explain the approval process and make the applicants aware of regulations that apply to their projects.

The coordinator's main telephone number is (315) 789-5311. Most applications can be downloaded from the City of Geneva's website at WWW.cityofgenevany.com, under forms.

Application process:

1. The application for an area variance must be completed and presented before the ZBA by the property owner or his/her designated representative.
2. The following documents shall be submitted with all applications:

- a. A complete application form.
- b. A written statement of hardship.
- c. Scaled drawings of proposed project in an 11x17 format, or, if necessary to maintain legibility, a larger format. These drawings can include, but are not limited to, the following:
 - i. Site plan.
 - ii. Floor plan(s).
 - iii. Elevations.
 - iv. Any other details deemed necessary to explain this project.
- d. Survey maps of the property.
- e. Legal proof of control of the property by ownership.
- f. New York State Environmental Assessment Form. The type of environmental assessment form to be submitted will depend on the scope of work and proposed use described in the application. Please refer to the New York State Department of Environmental Conservation's website at www.dec.ny.gov/permits/357.html for further information as well as printing required forms.
- g. Application fee:
 - i. One hundred fifty dollars (\$150)

3. (7) copies of the completed application, required documentation and application fee shall be submitted to this city's Superintendent of Building & Zoning prior to the application deadline date that is described on the schedule, under FORMS on the cityofgenevany.com website. Such copies shall also be collated and stapled for distribution. Please understand that the City of Geneva shall not accept any applications past the deadline date due to the timeframe needed to execute a coordinated review with other applicable agencies and/or City entities.

Approval by other City Entities and/or Regulatory Agencies:

Please understand that any approval(s) granted by the ZBA for this variance does not imply approval of drawings that are required to be reviewed and approved by other City entities and/or regulatory agencies. Questions about building permits and other regulations can be addressed by the City's Code Enforcement Office at (315) 789-5311.

PREPARING YOUR STATEMENT OF HARDSHIP

CITY OF GENEVA, NEW YORK

To obtain an area variance, an applicant must show, to the satisfaction of the City's Zoning Board of Appeals (ZBA), which strictly adhering to the Zoning Code's limitations on the use of his/her property, would result in an "unnecessary hardship." To this end, a written statement of hardship shall be completed by the property owner and presented to the ZBA as part of the application for an area variance. In such statement of hardship, the property owner must address all criteria listed below.

In deciding whether to grant an Area Variance, the City's ZBA must determine that all the following criteria are met by the proposed use of the property that is the subject of the area variance request:

1. 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 the area variance.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
3. Whether the requested area variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district.
5. Whether the alleged difficulty is self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance.

Please understand that the request for a Area Variance places the burden of proof upon the applicant in accordance to General City Law. If the applicant does not satisfy each of the above-mentioned criteria, the variance must be denied by the City's Zoning Board of Appeals (ZBA).

AREA VARIANCE APPLICATION FORM

CITY OF GENEVA, NEW YORK

Date of Application: _____

Please type or print clearly.

Contact Information:

Property owner(s): _____
Property owner(s) telephone no.: _____
Property owner(s) email: _____
Mailing address of property owner: _____

Real Property Information:

Address of real property: _____
Tax parcel identification number: _____
Zoning district: _____
Current use of real property: _____

Brief Summary of Area Variance Request:

Supporting Documentation (check all that apply):

- ☐ Completed application form (7 copies)
- ☐ Detailed statement of hardship (7 copies)
- ☐ Legible drawings describing with sufficient detail the proposed project (7 copies)
- ☐ Survey maps of the property (7 copies)
- ☐ Legal proof of ownership (7 copies)
- ☐ New York State Environmental Assessment Form (7 copies)
- ☐ Application Fee \$150.00 (Please make all checks payable to the "City of Geneva, New York.)

Property Owner's signature _____ Date: _____

Property Owner's name: _____