

## PROCEDURE FOR APPLYING TO THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals meets when necessary, at the call of the Chairman. Usually the meeting is held in the Town Board Room, located in the building that houses the Town Clerk, Police Department and Justice Court.

The following information must be submitted to the Code Enforcement Department at least **15 days prior** to a meeting date. **45 days prior** if the project requires review by Broome County Planning.

1. **1 copy** - Completed application
2. **9 copies** - Accurate, complete plot plans, (survey preferred).

These should be drawn clearly, accurately and be of professional quality. The information must indicate what is required to meet the Code and what is being requested. It is best to use a **property survey**, if available. All measurements must be made from property lines. NO measurements are to be noted from curbs or the center of the road!

3. **9 copies** - Descriptive letter

This letter should be addressed to the Chairman of the Zoning Board of Appeals. The letter should also contain; Specific and complete information regarding your particular request. Answer questions like, what you are requesting, why you are requesting the Zoning Board action, what problems you will encounter if required to conform to the Code, etc. See attached information.

4. Check for the proper filing fee, made out to: **Town of Vestal Appeals Board**

The hearings are advertised in the legal section of the newspaper, and although not legally required, we generally contact the neighboring property owners by letter, notifying them of this meeting.

You will be notified by mail of the date and time that your hearing will be scheduled. Please be present, or have a representative present to answer questions that the Board may have.

Please be advised that meeting agendas may be full and you may not be scheduled on your requested date, so early submittal is suggested.

If you have other questions, please contact the Code Enforcement Department at 607-786-0980.

**\*12 copies if application is required to go to Broome County.**

## INFORMATION REGARDING ZBA SUBMITTALS

Any submittal to the zoning board of appeals is required to be submitted 15 days prior to a hearing date. Hearing dates are at the call of the chairman.

At the time of the submittal, the application must be complete!

A COMPLETE APPLICATION WILL INCLUDE;

THE COMPLETED APPLICATION  
A DETAILED DESCRIPTIVE LETTER  
SPECIFIC, ACCURATE, DETAILED PLANS  
OTHER INFORMATION AS REQUIRED BY THE PARTICULAR REQUEST  
THE REQUIRED NUMBER OF COPIES

Please be advised that your request may need to be delayed because of review by the Broome County Planning Department.

\*\*\* If a review is required by the law, (239 I&M), 12 copies of the submittal are required

This will be a minimum of 30-45 days, probably more.

Action that will trigger Broome County review include, but are not limited by;

Property location within 500 feet of:

- a municipal boundary
- a state or county owned road or highway
- a state or county drainage way or water course
- a state or county park

### Zoning Board of Appeals Required Fee

Residential, area variance	\$75.00
Use Variance	\$200.00
Residential, home occupation	\$100.00
Residential, other hearing	\$75.00
240 X 240 Special Permit	\$105.00
Commercial, area variance	\$150.00
Commercial, use variance	\$500.00
Commercial, other hearing	\$250.00

Any costs for re-advertising postponed or adjourned hearings will be the actual costs for the notices, mailings and incidentals.

## ZONING BOARD OF APPEALS MEASUREMENTS GUIDELINES

Any applications that are submitted for the zoning board of appeals having plans that illustrate distances, any of those distances that show set-backs to buildings must be measured to the property line of the parcel

- No measurements are to be given from the center of the road, curbs, or other non-specific points
- A survey is strongly suggested to be obtained and used.
- Your property lines do not begin at the edge of the pavement. Your property lines do not begin at the edge of the curb.
- There is significant distance from these elements to the start of your actual property.
- A survey is the only legal and exact way to determine the location of your property.
- In instances where the zoning board needs clarification, they may require a survey of the property

If you have questions, contact us at 607-786-0980.

## INFORMATION REGARDING ZBA VARIANCE CONSIDERATIONS

In presenting your request to the Board, please take note of the requirements of law that you must present and prove to the Board. In general, they are as follows:

### AREA VARIANCES

(Setback to property lines, etc.)

The Board must take into consideration:

- 1) The benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood or community
- 2) Whether granting this variance will create an undesirable change or detriment to nearby properties;
- 3) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance;
- 4) Whether this variance is substantial as opposed to incidental;
- 5) Whether this variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 6) Whether the alleged difficulty was self-created. This shall not necessarily preclude the granting of the variance;

The board of appeals, in granting of area variances, shall grant the minimum variance that it deems 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.

### USE VARIANCES

(Allowing a property to be used contrary to existing permitted uses)

- 1) The applicant must show that applicable zoning regulations and restrictions have caused unnecessary hardship;
- 2) The applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations, (for that particular district where the property is located). That
  - a. the applicant cannot realize a reasonable return, if restricted to the uses as listed in the Code, provided that 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.

The board of appeals, in granting of use variances, shall grant the minimum variance that it deems necessary and adequate, to address the unnecessary hardship and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The above information is contained in the New York State Town Law Section 267(b).