

City of Ogdensburg
Department of Planning & Development



Director
Andrea Smith

Ogdensburg City Hall
330 Ford Street - Room 11
Ogdensburg, New York 13669
<http://www.ogdensburg.org>

2019-2020

MEMO TO: Those Requesting a Zoning Variance
FROM: Offices of Code Enforcement/Planning & Development
SUBJECT: Preparation of Variance Request

Attached please find the following documents to aid you in preparing a variance request.

The first item is the variance application form. It allows you to provide us with basic but essential information on the variance requested. You *may* require some assistance from City staff in completing property information and the specific section the Zoning ordinance that you are appealing.

Photographs of the front, back and sides of the property for which a variance is being sought **must** be submitted with the variance application form, along with the appropriate drawing(s) as outlined in the application forms. Please complete the applicant information including a daytime phone number on the variance application.

In many cases you will need to provide us with additional information in order to allow the Zoning Board of Appeals to make a decision on your case.

The second document in this packet is an excerpt from the City of Ogdensburg Zoning Ordinance. Section 221-73 explains the Zoning Board of Appeals. Section 221-74 describes in detail the two types of variances -- use and area -- and lists the issues you will need to address in making your case to the Zoning Board of Appeals. Please attach additional sheets as necessary for this part of your appeal.

Also attached is a Schedule of Fees. Depending upon your project, one or more of these fees may be applicable. Fees must be paid before your project can be reviewed by the Zoning Board of Appeals. The applicant will also be responsible for postage fees. Should you have any questions about applicable fees, please contact our offices.

Next, a two-year schedule of meetings of the Zoning Board of Appeals is provided for your convenience. This schedule also includes **deadlines for submission in order to be included on the Zoning Board of Appeals calendar**. You should be prepared to attend meetings of the Zoning Board of Appeals when your project is discussed.

Please call the Office of Code Enforcement (393-1935) or the Office of Planning & Development (393-7150) if you desire assistance.

Proper preparation of these forms will ensure a smooth review process. We look forward to working with you on your appeal. Thank you for your cooperation.

In the event that the Zoning Board of Appeals' decision is to table or reject a variance request and the applicant chooses to reapply, all new and additional information to clarify and comply with the "Tests" requirement must be presented for review by staff before the next submission deadline date listed on the attached meeting schedule.



ZONING VARIANCE APPLICATION

315.393.7150 • (FAX) 315.393.7401
330 Ford Street • Ogdensburg, NY 13669
Department of Planning and Development

APPLICANT/OWNER

(REQUIRED INFORMATION)

APPLICANT NAME _____ ADDRESS _____

DAY-TIME TELEPHONE _____

E-MAIL _____

OWNER NAME (if different) _____ ADDRESS _____

DAY-TIME TELEPHONE _____

E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION _____

TAX MAP NO. _____

DATE APPLICANT ACQUIRED PROPERTY _____

SIZE _____ ACRE(S) ZONING CLASSIFICATION _____

EXISTING USE OF LAND AND/OR BUILDING(S)

REQUESTED ZONING VARIANCE

(ATTACHED ADDITIONAL PAGES AS NECESSARY)

VARIANCE TO SECTION(S) _____ OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) _____

REQUESTED VARIANCE(S) _____



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SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE.

AREA VARIANCE STANDARDS:

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 application 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 conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

USE VARIANCE STANDARDS:

1. Reasonable return. The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by this chapter. There must be dollars-and-cents proof of the property's inability to earn a reasonable return; failure to realize the highest return is not considered a hardship. Proof required to show dollars-and-cents proof is not met by a simple statement by the applicant, or on the part of a realtor, that the land will not at this time attract a buyer or developer for a purpose consistent with this chapter. The New York Court of Appeals has stated that dollars-and-cents proof may be shown by the following items:
 - a. The amount paid for the parcel of land in question;
 - b. The current value of the parcel;
 - c. The maintenance expenses;
 - d. The amount of taxes on the land;
 - e. The amount of mortgages and other encumbrances, such as liens on the property;
 - f. Income from the land; and
 - g. Other facts relevant to the particular circumstances of the case.
2. Uniqueness. The hardship is unique to this parcel and is not general throughout the zoning district. The applicant must prove that there are certain features or conditions of the parcel that make it possible to earn a reasonable return without some adjustment of the zoning regulations as they apply to the applicant's property. If features or conditions are generally applicable throughout the district, a variance should not be granted. If the hardship is common throughout the area, relief should be accomplished by amendment to this chapter rather than by granting a variance.
3. Character. The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the spirit of this chapter should be preserved. Reviewing the purpose



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statements of the zoning district for consistency with the proposed use is one way to determine whether the character of the neighborhood is preserved and the spirit of this chapter is upheld.

4. Self-created hardship. If the hardship complained of is self-imposed, then the variance request may be denied. An applicant who acquires land or proposes to acquire land for a purpose known to be prohibited by this chapter creates his or her own hardship. Even if the applicant did not actually learn of the prohibition at the time of purchase he or she is nevertheless charged with knowing the restrictions on use.
5. Other factors to be considered.
 - a. *Personal problems. If the hardship complained of is due to personal problems, as opposed to use of the land or buildings, then the use variance must be denied. **Zoning and variances run with the land, not the owner.***

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 7) any other proposed features of the site which are applicable to the requested variance.

APPLICATION FEE IN ACCORDANCE WITH THE ATTACHED FEE SCHEDULE MADE PAYABLE TO THE CITY COMPTROLLER IS REQUIRED AT THE TIME OF SUBMISSION.

*IF ST. LAWRENCE COUNTY FEES APPLY, PLEASE MAKE CHECK PAYABLE TO ST. LAWRENCE COUNTY.

APPLICANT CERTIFICATION

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE WILL BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE _____

DATE _____



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OFFICE USE ONLY

ACCEPTED BY _____ TAX MAP NUMBER _____

DATE SUBMITTED _____ APPLICATION NUMBER _____

DATE NOTICES MAILED _____ DATE NOTICE PUBLISHED _____

ZONING BOARD OF APPEALS MEETING DATE _____

To be completed by the Director of Planning and Development:

DECISION _____

CONDITIONS

SIGNATURE OF CHAIRMAN _____ DATE _____

Variance Application Checklist

- Completed Application form.
 - This **must** include the date the property was acquired. If you need assistance with obtaining this information, please contact the City's Department of Assessment.
- You must complete "Area Variance Standards", or "Use Variance Standards" addressing the five (5) items set forth by New York State governing the granting of variances.
- A narrative explaining what you are requesting the variance for.
- If the applicant is not the property owner, he/she must supply a statement signed by the property owner stating his/her knowledge of the application being submitted to the Zoning Board of Adjustment. The property owner will receive a copy of the public hearing notice by U.S. mail along with the adjacent property owners.
- A sketch (see attached example) including the following.
 - Measurements of the distances from any existing structure to the lot lines. If the proposed structure is not attached to the building you will need the distance between buildings.
 - Dimensions of the lot.
- Photographs, if you have them.
- Application fee \$75 for Area Variance applications, \$150 for Use Variance applications (make check payable to City of Ogdensburg).
- IF** 239-m review is required a separate check for all applicable St. Lawrence County review fees *must* be submitted at the time of application (make check payable to St. Lawrence County).

All of the above information must be completed and submitted to the Department of Planning and Development on or before the submission date, or the application will be considered incomplete and will be postponed until the next scheduled meeting, or until all the requirements have been met.

The applicant or their representative MUST attend the Zoning Board of Adjustment meeting to present their case, or no action will be taken.

If you have any questions with any of these requirements, please call Andrea Smith 315.393.7150 or e-mail at asmith@ogdensburg.org.

Applicant Signature & Date

EMAIL

Administrative Checklist

- Denied Building Permit
- Zoning History
- Postage fee determined, applicant billed

FEES FORM FOR PROJECTS NOT REQUIRING COUNTY REVIEW

CODE	DESCRIPTION	FEE
2555	PERMITS	
_____	Bldg/Rehab Permit No. _____	\$ _____
_____	Demolition Permit No. _____	\$ _____
_____	Sign Permit No. _____	\$ _____
_____	Site Plan Review / Special Permit	\$150.00
_____	Floodplain Development Permit	\$150.00
_____	Establishment of a PDD	\$1,000.00
_____	Adaptive Reuse Permit	\$1,000.00
	SEQRA REVIEW	
_____	Short Form EAF Review	\$100.00
_____	Lead Agency Coordination	\$150.00
_____	Long Form EAF Review	\$300.00
_____	Draft EIS Review	\$300.00
_____	Final EIS Review	\$300.00
	SUBDIVISION REVIEW	
_____	Less than 5 parcels	\$100.00
_____	5 to 20 parcels	\$250.00
_____	more than 20 parcels	\$1,000.00
1560	CODE ENFORCEMENT	
_____	Certificate of Occupancy	\$ _____
_____	Area Variance	\$75.00
_____	Use Variance	\$150.00
	RENTAL REGISTRATION FEES	
_____	Inspection Fee	\$ _____
_____	Subsequent (after 3) fee	\$ _____
2590	OTHER	
_____	Zoning Ordinance	\$10.00
_____	24 x 36 Map	\$3.50
_____	Text Amendment Ordinance	\$100.00
_____	Zoning Map Amendment	\$100.00
_____	Zoning Verification (per tax map parcel)	\$50.00
_____	Postage	\$ _____
_____	Xerox Copies _____ x \$.25	\$ _____
_____	Other _____	\$ _____
	TOTAL	\$ _____

NAME: _____

PERMIT ADDRESS: _____

TMN: _____

Please make checks payable to:
 City Comptroller's Office
 330 Ford Street
 Ogdensburg, NY 13669

FEES FORM FOR PROJECTS REQUIRING COUNTY REVIEW

CODE	DESCRIPTION	CITY FEE	COUNTY FEE
<u>Residential</u>			
2555 ___	Site Plan Review	\$150.00	\$25.00
2555 ___	Special Use Permit	\$150.00	\$75.00
1560 ___	Area Variance	\$75.00	\$25.00
1560 ___	Use Variance	\$150.00	\$75.00
2555 ___	Adaptive Reuse Permit	\$1,000.00	\$75.00
2555 ___	<u>Subdivision Review</u>		
___	Less than 5 parcels	\$100.00	\$25.00
___	5 to 9 parcels	\$250.00	\$75.00
___	10 to 20 parcels	\$250.00	\$150.00
___	more than 20 parcels	\$1,000.00	\$150.00
<u>Commercial, Institutional, Industrial</u>			
2555	Sign Permit No. _____	_____	\$25.00
2555	<u>Site Plan Review & Special Use Permit</u>		
___	Projects less than 5,000 gsf	\$150.00	\$75.00
___	Projects 5,000-9,999 gsf	\$150.00	\$150.00
___	Projects over 9,999 gsf plus \$50 per each additional 5,000 sf	\$150.00	\$_____
2555	<u>Adaptive Reuse Permit</u>		
___	Projects up to 9,999 gsf	\$1,000.00	\$150.00
___	Projects over 9,999 gsf plus \$50 per each additional 5,000 sf	\$1,000.00	\$150.00 \$_____
2555	<u>Subdivision Review</u>		
___	1 to 4 parcels	\$100.00	\$75.00
___	5 to 9 parcels	\$250.00	\$150.00
___	10 to 20 parcels	\$250.00	\$150.00
___	more than 20 parcels	\$1,000.00	\$150.00
1560	<u>Area Variance</u>		
___	Projects less than 5,000 gsf	\$75.00	\$75.00
___	Projects 5,000-9,999 gsf	\$75.00	\$150.00
___	Projects over 9,999 gsf plus \$50 per each additional 5,000 sf	\$75.00	\$150.00 \$_____
1560	<u>Use Variance</u>		
___	Projects less than 5,000 gsf	\$150.00	\$75.00
___	Projects 5,000-9,999 gsf	\$150.00	\$150.00
___	Projects over 9,999 gsf plus \$50 per each additional 5,000 sf	\$150.00	\$150.00
___	Postage	\$_____	N/A
	TOTAL	\$_____*	\$_____**

NAME: _____

PERMIT ADDRESS: _____

TMN: _____

Please make checks payable to:

*City Comptroller's Office, 330 Ford Street, Ogdensburg, NY 13669

** St. Law. County Planning Office, 48 Court Street, Canton, NY 13617

Calendar of Zoning Board of Appeals Activity
2019 - 2020

VARIANCE REQUESTS

ZBA MEETINGS

2019 Submission Deadline

2019 Meeting Dates

Monday, Jan 7, 2019
" , Feb 4, 2019
" , Mar 4, 2019
" , Apr 1, 2019
" , May 6, 2019
" , Jun 3, 2019
" , Jul 1, 2019
" , Aug 5, 2019
Tuesday, Sep 3, 2019
Monday, Oct 7, 2019
" , Nov 4, 2019
" , Dec 2, 2019

Tuesday, Jan 22, 2019
" , Feb 26, 2019
" , Mar 26, 2019
" , Apr 30, 2019
" , May 28, 2019
" , Jun 25, 2019
" , Jul 23, 2019
" , Aug 27, 2019
" , Sep 24, 2019
" , Oct 22, 2019
" , Nov 26, 2019
" , Dec 17, 2019*

2020

2020

Monday, Jan 6, 2020
" , Feb 3, 2020
" , Mar 2, 2020
" , Apr 6, 2020
" , May 4, 2020
" , Jun 1, 2020
" , Jul 6, 2020
" , Aug 3, 2020
" , Aug 31, 2020
" , Oct 5, 2020
" , Nov 2, 2020
" , Nov 30, 2020

Tuesday, Jan 28, 2020
" , Feb 25, 2020
" , Mar 24, 2020
" , Apr 28, 2020
" , May 26, 2020
" , Jun 23, 2020
" , Jul 28, 2020
" , Aug 25, 2020
" , Sep 22, 2020
" , Oct 27, 2020
" , Nov 24, 2020
" , Dec 22, 2020

All Zoning Board meetings are held at 4:30 p.m. in the City Council Chambers unless otherwise noted.

*Regular meeting scheduled one week earlier due to conflict with holiday.

NOTE: All matters and/or materials which require Zoning Board of Appeals consideration or action must be submitted by the submission deadline.