

# VILLAGE OF OWEGO

## ZONING BOARD OF APPEALS APPLICATION FORM AND INSTRUCTIONS

**Please Read Carefully**

The Zoning Board of Appeals (ZBA) has the power to issue interpretations of the Zoning Code and to grant area variances, use variances and use permits.

### **Application requirements:**

1. Prior to seeking a variance from the ZBA, the Applicant/Property Owner must receive a denial from the Code Enforcement Officer for a building permit, a decision from the Code Enforcement Officer, or a referral from the Planning Board or Village Board.
2. Completed applications must be submitted a minimum of 10 days prior to the next scheduled meeting of the ZBA. The ZBA meets the last Wednesday of each month at 6:00 PM.
3. All applications must be accompanied by the proper application fee. ZBA application fee is \$\_\_\_\_\_. Checks made payable to Village of Owego.
4. If the applicant/petitioner is not the property owner, an owner authorization form must be submitted.
5. Submit one (1) original and five (5) copies of the following information:
  1. ZBA application with all questions answered.
  2. Petitioner's letter of intent.
  3. For variances and special permits, the following additional information:
    - Sketch, drawing, plan or brochure showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex: photos of the property).
    - Survey prepared by a licensed surveyor, licensed architect or professional engineer showing the property involved and the location of all existing structures and proposed structures. All setback measurements must be shown on the survey.
    - A site plan showing the proposed structure and all dimensioning including distance from property lines and roadways, driveways, wells, septic, drainage ditches and any other features relevant to the variance being requested.
    - Copy of property deed.
    - Short Environmental Assessment Form (SEQRA) – Part I completed by applicant.

**Incomplete applications will not be accepted for review.**

### **Attendance at the Hearing:**

The property owner, applicant, owner/applicant's attorney, engineer and/or architect or a duly authorized person must attend the public hearing.

CASE NO. \_\_\_\_\_

DATE \_\_\_\_\_

**Village of Owego Zoning Board of Appeals  
20 Elm Street, Owego, New York**

**Zoning Board of Appeals Application Form**

**I. TYPE OF REQUEST**

AREA VARIANCE

SPECIAL USE PERMIT

REZONING

USE VARIANCE

INTERPRETATION

**II. APPLICANT/PETITIONER**

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Interest in the property (ex: owner/purchaser/developer/renter) \_\_\_\_\_

**III. PROPERTY OWNER INFORMATION** (If different from applicant information.)

Property Owner(s) Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**III. PROPERTY INFORMATION**

Property Owner(s) Name(s) \_\_\_\_\_

Tax Map Number \_\_\_\_\_

Property Size in Acres \_\_\_\_\_ Property Frontage in Feet \_\_\_\_\_

Zoning District \_\_\_\_\_ Surrounding Zoning \_\_\_\_\_

Current Use of Property \_\_\_\_\_

**IV. REQUEST DETAIL** (check all that apply)

Area Variance(s) for \_\_\_\_\_

Use Variance for \_\_\_\_\_

Special Use Permit for \_\_\_\_\_

Interpretation of \_\_\_\_\_

Rezoning from \_\_\_ to \_\_\_ \_\_\_\_\_

**V. SIGNATURES** (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property and applying for a variance or special permit, a separate owner authorization form must be submitted)

\_\_\_\_\_  
Signature of Applicant/Petitioner

\_\_\_\_\_  
Print name of Applicant/Petitioner

**Please turn to Page 4 to continue completing application.**

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*For Office Use Only:*

Date Received: \_\_\_\_\_ Receipt # \_\_\_\_\_

Application Reviewed By: \_\_\_\_\_

Hearing Publication Date: \_\_\_\_\_

**ZONING CODE SECTIONS**

This appeal is requested pursuant to Chapter 195 and:

Article _____	Section _____	Subsection _____	Paragraph _____
Article _____	Section _____	Subsection _____	Paragraph _____
Article _____	Section _____	Subsection _____	Paragraph _____

**REVIEWS**

The following Boards need to review this request/appeal:

Village Board of Trustees	Meeting Date _____
Village Planning Board	Meeting Date _____
Village Zoning Board of Appeals	Meeting Date _____
OHPC	Meeting Date _____
Tioga County Planning Board	Meeting Date _____

**PREVIOUS APPEAL(S):**

A previous appeal to the Zoning Board of Appeals ( ) has ( ) has not been made with respect to this property.  
Previous appeals: (if applicable)

Date: _____	Type of Appeal: _____	Granted	Denied
Date: _____	Type of Appeal: _____	Granted	Denied

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**PETITIONER’S LETTER OF INTENT**

Please describe in detail the proposed project, reason the rezoning, variance and/or special use permit is being requested, or interpretation is desired, and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

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**TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:**

A **Use Variance** is requested because the applicable regulations and restrictions in the Zoning Code of the Village of Owego have caused unnecessary hardship as demonstrated by the following:

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided    Yes            No            (financial evidence is required per NYS Village Law)

- 2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: \_\_\_\_\_

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- 3) Describe why you believe that the essential character of the neighborhood/community will **not** change if the Zoning Board of Appeals grants you a use variance: \_\_\_\_\_

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- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain:

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TO BE COMPLETED ONLY WHEN AN AREA VARIANCE IS BEING REQUESTED:

An **Area Variance** is requested because the applicable regulations and restrictions in the Zoning Code of the Village of Owego have caused unnecessary hardship as demonstrated by the following:

1) Explain why you believe this request will **not** create an undesirable change in the character of the neighborhood or a detriment to nearby properties if the Zoning Board of Appeals grants you the area variance(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Explain why you believe this request will **not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district if the Zoning Board of Appeals grants you this area variance(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Is the requested area variance(s) substantial? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Could you pursue some other method than an area variance to resolve your problem? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) Is your request for an area variance a result of you own actions/self-created? (which shall not necessarily preclude the granting of an area variance) Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_