



City of Watertown
USE VARIANCE APPLICATION FORM

City of Watertown, Planning and Community Development Dept.
245 Washington Street, Room 305, Watertown, NY 13601
Phone: 315-785-7741 Email: planning@watertown-ny.gov

Application #:

Received:

Please Note: Applying for a Use Variance does not guarantee that the Zoning Board of Appeals (ZBA) will grant the request. The burden of proof is on the applicant for meeting the hardship tests and the ZBA will weigh each application on its own merits.

PROPERTY INFORMATION:

PROPERTY ADDRESS: _____

TAX PARCEL NUMBER: _____ ZONING DISTRICT: _____

APPLICANT INFORMATION:

APPLICANT NAME: _____

APPLICANT MAILING ADDRESS: _____

PHONE NUMBER: _____ E-MAIL: _____

PROPERTY OWNER INFORMATION (if different from applicant):

PROPERTY OWNER NAME: _____

PROPERTY OWNER MAILING ADDRESS (if different from subject parcel): _____

PHONE NUMBER: _____ E-MAIL: _____

CHECKLIST (please include all of the following in addition to this application form):

- | | |
|--|--|
| <input type="checkbox"/> Cover Letter (see Appendix A) | <input type="checkbox"/> Metes and bounds description (property deed) |
| <input type="checkbox"/> Record of denial | <input type="checkbox"/> Tax Map with subject parcel highlighted |
| <input type="checkbox"/> \$200 application fee | <input type="checkbox"/> State Environmental Quality Review (SEQR) form (if necessary) |
| <input type="checkbox"/> Site Sketch/Drawing | |

Applicant Signature: _____ ***Date:*** _____

Property Owner Signature (if different) _____ ***Date:*** _____

Appendix A: Checklist Instructions

Cover Letter: The applicant must submit a detailed cover letter describing what the applicant seeks to establish. This letter should summarize the scope and intent of the project, including all proposed physical changes to the property and the proposed future use of the property. The cover letter must also address each of the hardship tests as defined in New York State Law (see Appendix B, which identifies all applicable hardship tests in **bold type**) for a Use Variance.

If there is any other information that would aid the ZBA in understanding the request, the applicant should include this in the cover letter as well.

Metes/Bounds: A legal description of the boundaries of the subject parcel, measured in angles, bearings and distances. Typically, a property deed will contain such a description.

Record of Denial: As the ZBA is a quasi-judicial appellate board, an applicant must have standing to make an appeal. A denied Zoning Compliance Certificate will typically prompt an appeal and is sufficient to serve as the Record of Denial.

Tax Map: A copy of the City Tax Map, with the subject parcel highlighted. Tax maps are accessible using the following website: <https://www.watertown-ny.gov/imo/search.aspx>. Upon entering the required information, the search engine will direct the user to the Parcel Data page for their property. A link to the appropriate tax map will appear on the right hand side of the Parcel Data page.

SEQR Form: All Variance requests must include a completed SEQR Short Environmental Assessment Form (EAF), with the exception of the following two instances, which New York State defines the following as Type 2 Actions that do not require SEQR review:

- granting of individual setback and lot line variances and adjustments
- granting of an area variance for a single-family, two-family or three-family residence

The New York State Department of Environmental Conservation (DEC) offers an online mapping tool that assists in completing the SEQR form. It is available at the following website: <https://gisservices.dec.ny.gov/eafmapper/>

Site Sketch: The sketch/site drawing must accurately depict what the applicant seeks to establish and include any information necessary to help the ZBA comprehend the request. Examples of features to show on the drawing include:

- Site Plan showing existing and proposed building locations, including all property line setbacks
- Vehicular and pedestrian circulation, parking and loading spaces
- Landscaping plans, including site grading (if applicable).

To assist with the drawing, applicants may wish to use the City's public GIS mapping tool, available at: <https://www.watertown-ny.gov/index.asp?NID=168>. However, measurements obtained using the GIS tool are NOT an acceptable substitute for actual measurements taken on site.

Staff and the ZBA reserve the right to require a Property Survey prepared by a Licensed Land Surveyor if deemed necessary to clarify the Variance under consideration

Required Sets: The items in the checklist (other than the application fee) collectively make up a "set." The applicant is responsible for submitting eight (8) complete collated "sets" to the City Planning Department. If the application requires Jefferson County Planning Board review, then the applicant must submit nine (9) "sets." Planning Staff will inform the applicant if this is necessary.

Submittal Instructions: Submit all required materials to:

Michael A. Lumbis, Planning and Community Development Director
City of Watertown
245 Washington Street, Room 305
Watertown, NY 13601

*Planning Staff can assist with any of the above if the applicant is having difficulty obtaining any of the required items.

Appendix B: Excerpts from New York State General City Law, Section 81-b.

The following language is the New York State enabling legislation that empowers the Zoning Board of Appeals (ZBA) to grant relief from the Zoning Ordinance. When reading the hardship tests identified below, the applicant should understand that State Law is instructing the ZBA members that these are the burdens of proof an applicant must meet in order for the ZBA to vote yes and grant the applicant the requested Variance.

- **Definitions.** As used in this section:

“Use variance” shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

- **Orders, requirements, decisions, interpretations, determinations.**

The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

- **Use variances.**

(a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No such 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:

(i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(iii) the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(iv) the alleged hardship has not been self-created.

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

- **Imposition of conditions.**

The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Meeting Information: The Zoning Board of Appeals normally meets at 7:00 p.m. on the third Wednesday of every month in Council Chambers at City Hall, although this is subject to change due to holidays, etc. The application deadline is 21 days prior to the scheduled meeting date. Applicants should be aware that applications may require more than one meeting to reach a decision. Resolution is at the sole discretion of the ZBA.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)