

Fee \$100

**APPLICATION  
TOWN OF MANLIUS – ZONING BOARD OF APPEALS  
301 BROOKLEA DR.  
FAYETTEVILLE NY 13066  
315-637-3521 OR 315-637-8619**

**PLEASE READ THE FOLLOWING INFORMATION CAREFULLY**

THE ZONING BOARD OF APPEALS normally meets on the 3<sup>rd</sup> Thursday of the month, this schedule is subject to change. For your application to be placed on the agenda for the Zoning Board, you must file your complete application by the **file date-which is the last working day of the month by noon**. The placement of your application on the ZBA agenda is subject to caseload and/or the evaluation of your application under the New York State Environmental Quality Review Act and the requirements for referral to the Onondaga County Planning agency.

The ZBA Board reserves the right to limit the number of cases it hears at any one meeting to the first applications received. Additional applications may be delayed until a later meeting despite submissions prior to the File by Date.

**An incomplete application will not be considered at all.**

Once an application has been scheduled a public meeting notice will be published in the Eagle Bulletin and a meeting agenda will be mailed to each applicant. All scheduled applications will be open for inspection at the Town of Manlius, Town Clerk's Office.

Unless otherwise notified, all ZBA meetings will begin at 6:30PM at the Manlius Town Hall, 301 Brooklea Dr. Fayetteville NY. The applicant or an authorized representative must attend the meeting to present their application to the Zoning Board of Appeals Board.

**VARIANCE SUBMITTAL REQUIREMENTS**

1. A total of 9 copies of your application packet which must include – **Building Permit that has been denied by the Code Officer, ZBA application, survey, building plans, disclosure affidavit and the (short environmental assessment form - only for commercial property)** will be needed for the ZBA Board.
2. One copy of an accurate survey map of the property drawn by a licensed land surveyor. The survey must designate existing structures and proposed structures or additions. The survey must also show driveways and/or parking spaces as well as the distances from the rear, front and side property lines to the closest point on the primary structure. Distances from accessory or secondary structures to boundary lines should be shown as appropriate.
3. Environmental Assessment Form (*only for commercial property*): Page 1 must be completed by the applicant, if short form is used.

4. A fee of \$100.00 for a residential area variance, \$200.00 for a Commercial use variance, \$350.00/\$450.00 for a use variance, checks are to be made payable to the Town of Manlius.

The 9 application packets will need to be delivered to the department of Planning & Development by **file by date**.

**Area Variances – 5 Criteria Questions**

If the applicant requests an area variance from the Town of Manlius Municipal Code, the applicant must consider the 5 criteria questions and be prepared to respond to the ZBA Board if requested to.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?
3. Whether the requested variance is substantial?
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
5. Whether the alleged difficulty was self-created?

**Use Variances:**

If the applicant requests to use the subject property for purposes which are not allowed or are prohibited by the Town of Manlius Municipal Code, the applicant must demonstrate unnecessary hardship. To prove unnecessary hardship, the applicant must submit evidence to demonstration that:

1. The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the request use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Use the space below or submit a separate documentation to present the necessary proof. Opportunity will also be given to present proof at the public hearing.

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TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: \_\_\_\_\_

1. Property Address: \_\_\_\_\_

Property Tax Map # \_\_\_\_\_

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Owner of Property: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's E-Mail: \_\_\_\_\_

Owner's Phone #: \_\_\_\_\_ Does Owners reside at property: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_

3. Applicant / Representative / Attorney:

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

4. The Town of Manlius ZBA Board requires that owners of neighboring properties be contacted by the applicant with respect to the proposed variance application. Please see attached instructions and form.

**Below this line - For Office Use Only**

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Receipt #: \_\_\_\_\_

Date of Denial of Building Permit Application: \_\_\_\_\_ Current Property Zoning: \_\_\_\_\_

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF MANLIUS  
DISCLOSURE AFFIDAVIT**

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK     )  
  ) SS:  
COUNTY OF ONONDAGA    )

I \_\_\_\_\_, being duly sworn, deposes and says that (s) he is:  
  *(Notary)*

\_\_\_\_\_  
*(applicant, petitioner, corporation officer, property owner, etc.)*

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
  
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
  - 1) is the applicant, or
  - 2) is an officer, director, partner or employee of the applicant, or
  - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
  
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
  
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: \_\_\_\_\_, 20\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Print Name of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
Print Name of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Signature of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

By (Officer) \_\_\_\_\_ (Title)

\_\_\_\_\_  
(Mailing Address of 1st Applicant)

\_\_\_\_\_  
(Mailing Address of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Telephone Number)

### ACKNOWLEDGEMENTS

STATE OF NEW YORK     )  
                                  ) SS:  
COUNTY OF ONONDAGA    )

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_

\_\_\_\_\_  
(1<sup>st</sup> Applicants Name)  
, and \_\_\_\_\_ personally known to me or proved to me on the basis  
(2<sup>nd</sup> Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

\_\_\_\_\_  
Notary Public

SEAL