

# Town of Ulysses Board of Zoning Appeals

## Area Variance requirements

Area variances are required where the proposed project does not meet the zoning law dimensional requirements (i.e. lot size, yard/setback).

The Board of Zoning Appeals (BZA) meets on the THIRD Wednesday of the month at 7:00 PM. All applications that are also subject to Planning Board review (subdivisions for 3 or more lots and projects subject to site plan review) must be filed with the Zoning Officer at least four weeks prior to the desired hearing date. All applications that are not subject to Planning Board review must be filed with the Zoning Officer at least two weeks prior to the desired hearing date. Please use the application form attached. Once a hearing date and time have been established, you will be notified by mail when to appear. The applicant or agent must appear at the public hearing.

All property owners, and all others as prescribed by NYS law, within 500 feet of the affected property must be notified by mail of the public hearing date and time, who is applying and the basic nature of the request. The Town completes this notification.

A Notice of Hearing must be posted in the Town's official newspaper, the Ithaca Journal. The Notice must be posted no later than five (5) days prior to the hearing date. The Town submits the Notice, the cost of which is included in the \$150 application fee.

## Summary of Area Variance Criteria

The BZA must comply with the criteria set forth in NYS Town Law §267(b). **The applicant has the burden of proving that the proposal meets a majority of the criteria below. The applicant should submit materials, and come prepared to the BZA meeting, to support the variance request.**

**Balancing test** – Board of Zoning Appeals shall balance benefit to applicant with detriment to health, safety & welfare of the community.

Board of Zoning Appeals shall also consider:

1. Whether benefit can be achieved by other means feasible to applicant;
2. Undesirable change in neighborhood character or to nearby properties;
3. Whether request is substantial;
4. Whether request will have adverse physical or environmental effects;
5. Whether alleged difficulty is self-created.

If approved, the BZA shall grant the minimum variance necessary & may impose reasonable conditions.

**Application to the Board of Zoning Appeals for Area Variance(s)  
Town of Ulysses, New York**

**A. Statement of Ownership:** The applicant(s) \_\_\_\_\_

Is/are the owner(s) of the property located at \_\_\_\_\_

Tax Parcel Number \_\_\_\_\_; in the current zoning district \_\_\_\_\_.

The property was acquired by the applicant(s) on (date) \_\_\_\_\_.

**B. Appeal:** Appeal is desired on the following section of the Zoning Law of the Town Code: \_\_\_\_\_.

**C. Reason for Request for Area Variance(s):** An area variance is requested for relief of a dimensional or similar requirement. In the space below (or attach additional sheets), consider the review criteria and describe the practical difficulties that prevent you from abiding by the zoning law.

\_\_\_\_\_  
Applicant Signature

Address \_\_\_\_\_

Phone number/email \_\_\_\_\_

*For office use*

*Date Received* \_\_\_\_\_

*Date of Hearing* \_\_\_\_\_

*Date of Action* \_\_\_\_\_ *and action* \_\_\_\_\_