



Office of Zoning Administration

Stephanie A. Miner, Mayor

Guide to Required Documents for Zoning Applications – Variance

The following contains additional information about the documents required for Variance (use and area) applications. Please contact the [Zoning Office](#) with any questions.

Office of Zoning Administration
City Hall Commons, Room 211
201 E Washington St
Syracuse NY 13202-1426
315-448-8640
zoning@ci.syracuse.ny.us

Application – Available on the City’s website:

<http://www.syracuse.ny.us/ApprovedForms/Approved/Zoning%20Administrator%20Waiver.pdf>

Property Survey – A survey is a legal description of a property, drawn to scale by a licensed surveyor. It is usually provided to the property owner when the property is purchased. If no structures (garage, addition, deck, fence, ramp, pool, etc) have been added to the property since the property was purchased, the survey obtained at purchase can be submitted. If there have been any such structural additions, the property owner must contract a licensed surveyor for a current survey. A licensed surveyor will provide a survey with a current “title block” showing the surveyor’s name, address, license number and stamp, the date of the survey and the scale that was used.

It is critical that the survey not be enlarged or reduced (slight reductions can occur when the document is scanned or faxed). The Zoning Office relies on the scale used in the survey to perform calculations to determine if the dimensions of existing and proposed structures conform to zoning regulations. Please submit ONE clean, clear full size copy. If the full size copy is larger than 11”x17”, you must also submit ONE copy that is no is larger than 11”x17”. The Zoning Office will use the full size version for scale purposes, and the smaller size to photocopy.

Please contact the [Zoning Office](#) if you have any questions about whether a copy of your existing property survey can be submitted, or if you did not receive a survey when the property was purchased.

Site Plan – A site plan is a scaled drawing that provides an overhead perspective of a property, similar to a property survey. However, a site plan also shows existing and proposed buildings, parking areas, driveways, sidewalks, landscaping and other features.

Your site plan must include: a) Location of existing or proposed building; b) Location and dimensioned parking areas including type of parking surface, curb cuts and all driveways; c) Location and dimensioned areas of landscaping indicating type, height, and number of plantings; d) Location of dumpsters and/or trash receptacles indicating type of screening to be installed; e) Proposed overall site screening and landscaping; f) Location, type, and height of fencing; g) Location of lighting,

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including height of structures, and wattage of luminaries; h) Location of loading dock/areas; i) Location and dimensioned areas to be used by delivery vehicles; j) Location of all ground signage.

It is critical that the survey not be enlarged or reduced (reductions can occur when the document is scanned or faxed). The Zoning Office relies on the scale used in the survey to perform calculations to determine if the dimensions of existing and proposed structures conform to zoning regulations. Please submit ONE clean, clear full size copy. If the full size copy is larger than 11"x17", you must also submit ONE copy that is no is larger than 11"x17". The Zoning Office will use the full size version for scale purposes, and the smaller size to photocopy.

Not every Zoning Application requires a site plan. If your project involves ONLY changes to the surfaces of an existing structure (e.g., adding windows, changing siding, widening an entrance, etc.), a site plan would not apply. Please contact the [Zoning Office](#) if you have any questions or if you think a site plan may not be required for your project.

Floor Plans – A floor plan is an illustration, drawn to scale, showing the outline of a floor, interior walls, doors, windows, and other interior elements. Each floor of a building has its own floor plan. Floor plans must include dimensions of all rooms and permanent features. Residential floor plans must show and label all bedrooms, living room(s), kitchen, dining room, bathrooms, hallways and closets. Commercial floor plans must show, label, and provide dimensions for all of the following that apply: customer areas, employee areas, storage areas, restrooms, office space, tables/chairs, counters/booths, stages/dance floors/DJ booths, shelving/display areas, all kitchen equipment, coolers/freezers/etc., vending machines/amusement games/etc.

It is critical that the floor plan(s) not be enlarged or reduced (reductions can occur when the document is scanned or faxed). The Zoning Office relies on the scale used in the drawings to perform calculations to determine if the dimensions of existing and proposed structures conform to zoning regulations. Please submit ONE clean, clear full size copy. If the full size copy is larger than 11"x17", you must also submit ONE copy that is no is larger than 11"x17". The Zoning Office will use the full size version for scale purposes, and the smaller size to photocopy.

Use Variance – for Use Variance applications, you must submit floor plans that show the property in its current layout, and how you propose to change it. If the current or proposed use is a business, all shelving, storage, restrooms, kitchen hardware (stoves, sinks, freezers etc.) must be shown. Please submit the following:

- a. One set of scaled floor plans for all floors showing **current** arrangement, and labeled with dimensions and current uses.
- b. Two sets of **proposed** floor plans showing dimensions and proposed uses. One copy is submitted to the Permit Desk, Room 101 at City Hall Commons, and one copy submitted to the Zoning Office with the variance application.

Area Variance – for Area Variance applications, please submit the following:

- a. Area Variances that involve a new addition on the property, such as an extra room, porch, etc.: One set of scaled floor plans for all floors. Show dimensions and uses for all current and proposed rooms.
- b. Area Variances that DO NOT involve a new addition on the property: No formal floor plans are necessary, but because the Board of Zoning Appeals looks at the property as a whole, you must provide a list of all rooms, by floor, in the structure.

Please contact the [Zoning Office](#) if you have any questions.

Exterior Elevation – Only required for variance applications involving new construction. An elevation is a scaled drawing of a view of a building seen from one side, a flat representation of one façade or wall. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the compass direction it faces, e.g.

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the north elevation of a building is the side that most closely faces north. Architects also use the word elevation as a synonym for façade, so the north elevation is the north wall of the building.

Elevation drawings must be drawn to scale, must provide dimensions for all exterior elements (doors, windows, etc), and must be labeled with the location of all building materials and colors. You can use arrows to point out where on the drawing each material will be. Please check with the [Permit Office](#) to confirm if your drawings must be stamped by a licensed professional.

It is critical that elevation drawings are not enlarged or reduced (reductions can occur when the document is scanned or faxed). The Zoning Office relies on the scale used in the drawings to perform calculations to determine if the dimensions of existing and proposed structures conform to zoning regulations. Please submit ONE clean, clear full size copy. If the full size copy is larger than 11"x17", you must also submit ONE copy that is no is larger than 11"x17". The Zoning Office will use the full size version for scale purposes, and the smaller size to photocopy.

Please contact the [Zoning Office](#) if you have any questions.

SEQR Short Form – Governmental agencies in NYS must determine the environmental impact of all proposed development projects. The applicant or developer completes Part I (the first page) of the SEQR application (Short Environmental Assessment Form – http://www.dec.ny.gov/docs/permits_ej_operations_pdf/shorteaf.pdf), and the Zoning Office, completes the rest. For significant "Type I" actions, the Zoning Office will advise that the SEQR Long Form must be completed.

Photographs – Existing Structure – Photographs of the existing structure and project site show what the property looks like before the proposed improvements are made and they provide a visual context for reviewing the proposed improvements. Photographs should be taken from all vantage points and should be labeled to correspond with other drawings submitted. For example, the photograph and the elevation drawing for the north side of a building should each be labeled "north façade." Photographs of the existing structure or site can also be used to create a sign drawing / sign plan (see **Signage Drawings / Sign Plan** below). Photographs should be in color and can be printed on plain paper.

Signage Drawings / Sign Plan – Zoning regulations determine the number and size of signs, and other aspects of signs. Sign drawings or plans are submitted to show where the proposed sign(s) will be located, and evaluate the sign(s)' size in relation to other aspects of the building or property. They must be drawn to scale and labeled with dimensions of the sign itself, and additional dimensions must be provided as follows:

- A sign plan for a Ground Sign shows the exact location of any ground sign, and must include the following measurements: from a structure indicated on the survey to the sign; from the sign edges to the property line(s); and from the sign edge to the sidewalk.
- A sign plan for a Wall Sign or Projecting Sign shows the exact placement of the signage on the building, and provides the following measurements: from the ground to the bottom of the signage; from the roof line (or second floor of building) to the top of the signage, and from the side(s) of the building to the edges of the signage.
- It is recommended that the applicant submit photos showing where the signage will be located. Photos should be taken at a distance to show the relationship of the building to the signage. Drawings or photos should be submitted showing the size, colors, and copy (what the sign will say) of the proposed signage.

Please note, if the property or building has one or more signs already, both the application and sign plan should only include information and dimensions for any/all sign(s) that will remain. If more than one sign (new plus existing) is proposed, the sign plan should be labeled to correspond with the "SIGN INFORMATION" section of the application, i.e. 1 -6, so it is clear where each sign described on the application appears on the sign plan.

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Some useful terms for sign plans: “Height” is measured to the top of the sign above the ground; “Dimensions” include the horizontal and vertical measurements of the sign itself; “Setback” is the distance from the front (street) property line, not the sidewalk; “Type of Illumination” includes internal lighting, lighting from exterior bulbs, or none. If more than six signs are involved, list the additional signs using the same table format as above on an additional page.

In some cases, sign plans or sign drawings can be submitted that are not drawn to scale, but instead have every feature labeled with dimensions. Please contact the [Zoning Office](#) if you have any questions.

Denial of Permit – Prior to submitting an application for a variance (use or area), the applicant must obtain a Denial of Permit from the [Permit Office](#). The form is completed by plan reviewers in the Permit Office and briefly describes the reasons a building permit cannot be issued.

Standards of Proof / Letter of Explanation – The “standards of proof” are required to provide the Board of Zoning Appeals with the specific, detailed reasons why the variance is needed. The courts have distinguished between use variances (for uses which are not permitted) and area variance (for excess lot coverage, additions into required yards, etc.). Be aware that the standards of proof for a use variance are much more demanding than for an area variance and that the burden is on the applicant to provide such proof in arguing their case. The standards of proof can be written on the variance application itself (see page 3 of the application), but you may wish to submit a separate sheet(s) of paper with the application so you have enough room to completely document the standards of proof.

Letter of Explanation for a Use Variance: – Applications for Use Variance require a Letter of Explanation to fully describe the proposed use. The applicant should describe the nature of the proposed business, for example: the hours of operation, number of employees on premise at one time, items to be sold, etc. **NOTE:** If you are proposing to sell prepared food, it is important to list each item of food to be prepared and sold. This letter to the Board of Zoning Appeals can also include any other information you think will be helpful to the Board in their review of your application, and you may include the Standards of Proof in the Letter of Explanation.

Standards of Proof for a Use Variance: The applicant must provide a written statement to the Board of Zoning Appeals detailing the proposed project and stating the hardship. The statement must include written proof of the following:

- a. Reasonable Return: Applicant must submit documentation showing financial hardship caused by current use of property. The documentation must show why the subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for **any other use** permitted in the zoning district in which the property is located. The applicant must demonstrate there is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact, and not the unsupported opinion of the owner or those appearing for the owner.
- b. Unique Circumstances: Applicant must show that the hardship is unique to the subject property, and not to the neighborhood as a whole. The inability to yield a reasonable return results from a unique circumstances peculiar to the subject property which do not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered a unique circumstance.
- c. Essential Character of the Locality: Applicant must show that the proposed use will not alter the essential character of existing neighborhood, and must show that granting the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use, or development of neighboring properties and the community or by plans adopted by the City of Syracuse (i.e. the intent of the Zoning Ordinance, Comprehensive Plan, or Land Use Plan).
- d. Not self-created: The applicant must explain why the alleged hardship has not been self-created. The applicant must demonstrate that the inability to yield a reasonable return is not the result of any action or inaction by the owner or their predecessors in title. Acquisition or improvement of the subject property at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner’s inability to realize a reasonable return is the result of the owner’s action.

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Standards of Proof for an Area Variance: The applicant must provide a written statement to the Board of Zoning Appeals detailing the proposed project and stating the hardship. The statement must include written proof of the following:

- a. Why is the requested variance **not substantial**?
- b. Why will this request **not create an undesirable change** in the character of the neighborhood, or be detrimental to nearby properties?
- c. Why the request cannot be achieved by another method other than obtaining an area variance?
- d. Why will the proposed variance **have no adverse effect or impact** on the physical or environmental conditions in the neighborhood or district?
- e. Why is your difficulty with the request **not self-created**?

Please contact the [Zoning Office](#) if you have any questions.