



CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS
40 Rector Street, 9th Floor
New York, New York 10006-1705
Phone: (212) 788-8500 Fax: (212) 788-8769
<http://www.nyc.gov/html/bsa/>

DETAILED INSTRUCTIONS FOR COMPLETING BZ APPLICATION

All requests for zoning variances and special permits must be made on the Board's "BZ" application form. Information regarding the filing of a BZ application may be obtained by contacting the Application Desk at (212) 788-8500.

The BZ Application Form must be signed by the property owner or authorized representative of the owner, affirming that all statements contained within the Application Form and attached materials are true. The Application Form must also be notarized by a notary public, pursuant to all applicable notary laws.

Submit one (1) original and eight (8) copies of the completed BZ Application Form, typewritten and legible, with all required attachments, to the Board. Also, submit one (1) set to the Board's New York City Fire Department liaison. Each packet, original and copies, should contain the required attachments. One application is required for each separate property.

BZ Checklist

Application Form (Items A-E)

- Item F: Objection(s) from Administrative Agency
- Item G: Statement of Facts
- Item H: Statement of Findings
- Item I: BSA Zoning Calculations
- Item J: Plans
- Item K: Radius Diagram
- Item L: Photographs
- Item M: Financial Feasibility Study, if applicable.
- Item N: Certificate of Occupancy
- Item O: Letter to Administrative Official
- Item P: Notification of Filing
- Item Q: List of Affected Property Owners and Tenants
- Item R: Affidavit of Applicant/Affidavit of Ownership
- Item S: CEQR Application

BZ Application Form

Section A: Indicate the applicant's name and address, the name and address of the owner of record and the lessee / contract vendee of the property, if applicable. List the telephone number where an examiner may reach the applicant during business hours should questions arise concerning the application. If the BZ application form is being submitted by a contract vendee, the contract vendee's name should be entered in place of owner of record.

Section B: The exact location of the subject premises must be specified in this section. This section should be completed as indicated in the following example:

"Premises is situated on the west side of Fifth Avenue, 100 feet north of the corner formed by the intersection of X Street and Fifth Avenue."

Include the block number and lot number(s), the street and house number, the borough, and the community board district within which the premises are located. If the property in question is located in the borough of Queens, the name of the neighborhood should be included as follows: "Borough: Woodside, Queens". If the site is located within the boundaries of two Community Boards, both should be listed. In addition, the applicant should note if the premises are identified by another address.

If a Certificate of Occupancy has been issued for these premises, provide the number, and attach a copy to this application (as item "N"). Give the Zoning District that the premises is located within and provide the number of the map section as it appears in the New York City Zoning Resolution. Also, please indicate the City Councilmember whose district the premises is located within.

Section C: Specify the particular section of the Zoning Resolution sought to be varied (eg. Z.R. §22-11) and check off the whether the application is being made for a zoning variance or special permit.

In zoning cases, the Board can only act upon an application accompanied by a negative determination from the Department of Buildings or the Department of Small Business Services. In most cases, the BZ application is based on an "objection" issued by the Department of Buildings.

To obtain such a determination, before filing a BZ application with the Board, the applicant must first file a complete alteration application or new building application, including plans, with the Department of Buildings. The Buildings Department will examine the case and issue an "objection" based upon non-compliance with a specific provision(s) of the Zoning Resolution. The applicant must then apply to the Borough Commissioner for a reconsideration, which must also be denied before any Board action can be commenced. (Questions regarding

this process may be addressed to the appropriate Borough office of the Department of Buildings.)

Fill in the date of the denial upon which this application is being made and indicate the application number under which the plans were originally filed at the Department of Buildings or Department of Small Business Services.

Section D: Provide a brief description of the application, and check off whether the proposal is a legalization.

Section E: This section requires the applicant to list any previous Board cases, other pending applications before any other government agency or any court action regarding the premises. Copies of all previous Board Resolutions should be attached, and the decisions therein explained in the statement of facts. Any other pending governmental agency applications and court actions should also be explained in the statement of facts.

ATTACHMENTS TO BZ APPLICATION FORM

All of the items listed below must be submitted at the time of filing or the entire application will not be accepted.

Item F: **Objections** (referenced in Section C)

A copy of the Buildings Department objection, stamped with the Borough Commissioner's denial and the date, must be attached to the application. The date of the denial must be no more than 30 days prior to the date the application is filed with the Board. If the application is an appeal from the Department of Business Services, a similar submission is required.

IF THE DATE OF THE OBJECTION STAMPED "DENIED" IS MORE THAN 30 DAYS OLD, YOU MUST RETURN TO THE BUILDINGS DEPARTMENT OR THE DEPARTMENT OF SMALL BUSINESS SERVICES TO OBTAIN AN UPDATED OBJECTION AND DENIAL.

Item G: **Statement of Facts**

A typewritten Statement of Fact must be included with the application outlining the principal points upon which the application is made. This statement should include, but is not limited to, the following items:

A history of the occupancy of the premises.
Descriptions of the existing and legal conditions.

A description of the proposal including the proposed use and surrounding land use and building context. If this is an application for residential use, please indicate the number of dwelling units.

Description of underlying zoning requirements, including parking, and special reasons or outstanding circumstances leading to the request for a variance or special permit.

Descriptions of any prior BSA applications.

Descriptions of all pending violations and summonses.

Descriptions of all pending court actions.

Item H: Statement of Findings

A typewritten Statement of Findings must be attached to the BZ Application Form. The Statement of Findings must provide explain how the required findings are met, and reference any supporting evidence submitted with the application. (For example, if a variance is sought, the findings set forth at Section 72-21 of the Zoning Resolution must be addressed in the Statement of Findings.)

For special permits, the statement must address both the specific findings of the authorizing special permit section, and the applicable general findings for special permits set forth at Section 73-03 of the Zoning Resolution separately.

Item I: BSA Zoning Calculations

A complete set of applicable zoning computations should be submitted which detail the existing, proposed and legal conditions. Depending on the nature of each application, a Quality Housing Analysis or Signage Analysis may also be required.

All Zoning Analyses must be signed and sealed by a registered architect or a professional engineer.

Item J: Plans

A set of plans must be filed with this application for each of the following conditions:

- Proposed conditions;
- Existing conditions;
- Permitted or legal conditions (if different from the existing conditions); and
- Adjoining conditions

If any of the above conditions are exactly the same, one set of plans showing those conditions is acceptable if labeled properly. For example, if the application is a legalization and the proposed conditions are identical to the existing conditions, you may provide one set of plans labeled “existing/proposed conditions”. If the existing and proposed conditions differ in any way, two full sets of plans are required.

All plans shall be properly titled, numbered, dimensioned, dated, drawn to scale and conform with directions set forth herein. No drawing shall be accepted unless it bears a legible seal and the signature of a registered architect or licensed professional engineer. No drawing shall be accepted if it is illegible or unreadable due to poor drafting quality or excessive reduction or reproduction. All drawings and other exhibits, unless otherwise accepted by the Executive Director, shall be on sheets 8½x11 inches; sheets 8½x14 inches or 11x17 inches are acceptable if folded to 8½x11 inches.

The Board will only accept plans that conform to the following parameters:

1. Plot Plan/Site Plan

- Fully dimensioned and to scale (with a graphic scale).
- Detail landscaping, including street trees.
- Indicate size and location of all curb cuts.
- Show the dimension of sidewalks.
- Show the location, height, and type of all fences.
- Indicate all outstanding topographical features.
- Indicate legal, existing and finished grades.
- Show any parking layouts, including the number of spaces and all loading areas.
- Show locations and direction of outdoor lighting.
- Indicate the location of any trash dumpster or trash enclosure.
- Indicate compass points.
- Indicate address and lot numbers.

2. Floor Plans

- Floor plans for all floors, including cellar and roof.
- Show all exterior dimensions.
- Show approximate size of all interior spaces, including room sizes. (For Illustrative purposes).
- Highlight new and proposed construction.
- Indicate compass points.
- Indicate on the floor plans where the sections are taken from.

3. Sections

- Must indicate floor to ceiling heights and building heights.
- Indicate compass points.
- Identify each section.

4. Elevations

Must indicate facing materials and show all signs.
Indicate what side of the building is being shown.

An Adjoining Condition plan, if required to be submitted, must include the height and use of all adjacent buildings and must show all yards, courts and curb cuts fully dimensioned.

Item K: Radius Diagram

A radius diagram, drawn to a scale of 100 feet to 1 inch on sheets not to exceed 11" by 17" in size, must be attached to this application. The radius diagram must clearly show the following:

1. The use and height, in stories, and type of construction of all properties within a radius of 400 feet from the center of the plot which is the subject of the application. (If the site is greater than 40,000 square feet or has greater than a 300 foot frontage, a 200 foot radius from each corner of the site must be used). On all applications for lots containing separately owned one, two or three family dwellings, and on applications for special permits with lot area less than 40,000 square feet, the area of notification is 200 feet from the center of the lot.
2. All block numbers must be blocked (i.e. printed) within a rectangle; for example:

4624


3. All lot numbers must be circled, for example:

1

4. The frontage and the depth of all lots, rounded to the nearest foot, must be marked within the building line.
5. All house numbers must be marked outside of the building line.
6. Street names must be indicated.
7. Street widths must be indicated (property line to property line).
8. Compass points must be indicated.
9. The point at which each photograph submitted as part of this application was taken by should be indicated with a circle with an arrow showing the direction in which the camera faced (see legend below).

10. Explanatory Legend, with the following minimum of information:

III	Story Height
MD	Multiple Dwelling
D	Dwelling
R	Retail

G	Garage
C	Commercial
I	Industrial
M	Manufacturing
W	Warehouse
	Camera Position

Radius diagrams must show the zoning district boundaries, dimensioned, labeled and distinctly color coded as follows:

Orange for Residential Districts
 Red for Commercial Districts
 Light Green for Manufacturing Districts

If a land use survey is required (applications for change in use), it should be distinctly color coded as follows:

Yellow for Residential Uses
 Red for Commercial Districts
 Purple for Manufacturing/Industrial Uses
 Blue for Community Facility Uses
 Grey for Vacant Land
 Green for Open Space

Item L: Photographs

A set of unmounted, 8" by 10", glossy photographs must be submitted with the application. The photographs must show the actual conditions on the lot from all sides of the street within the area of notification, the rear of the lot, the side of the lot and the frontage of lots within 100 feet of the rear of the lot in question.

The front of each photograph must be properly labeled to include the street, the address, the outline of the actual site in question and compass points. The back of the photograph must indicate the name and address of the photographer and the date the photograph was taken. In addition, the address of the site should be included.

Item M: Financial Feasibility Study

Financial information is not required for special permit applications. For not-for-profit organizations and individual one, two and three family residential bulk variance applications, financial information is generally not required at the time of filing. However, in certain instances the examiner or the Board may, after reviewing the issues raised in the application, request that financial data be provided.

For all other variance applications, a financial analysis must be submitted at the time of filing or the application will not be accepted.

The financial submission should illustrate the hardship caused by the claimed unique physical conditions present at the site. Financial data is requested by the Board to explain why a reasonable return on the property is not possible and to demonstrate, in part, why the variance proposed is the minimum variance necessary to provide relief to the property owner.

Questions regarding the submission of financial information may be addressed to the Board's Deputy Director, Roy Starrin, by calling (212) 788-8797.

The following guidelines apply to the submission of financial data:

1. Submissions must be prepared by a Certified Public Accountant and/or qualified real estate professional, other than the owner or applicant. The qualifications of the person who prepared the financial submission must be included with the submission.
2. For an application for a use variance, separate financial analyses must be performed for the existing use, conforming or legal use, alternative conforming use(s) and proposed use. For a bulk variance application, separate financial analyses must be performed for the existing, complying and proposed conditions.
3. The economic hardship that arises from the unique physical conditions must be quantified and the cost to remedy such hardship should be given in dollar figures.
4. Generally, for rental development proposals, the following information is required: market value of the property, acquisition costs and date of acquisition; hard and soft costs (if applicable); total development costs; construction/rehabilitation financing (if applicable); equity (total cost less financing); breakdown of rental income by floor and square footage, vacancy/collection loss percentage and estimate; effective income; operating expenses; real estate taxes; water and sewer charges; net operating income; debt service; cash flow estimate and percentage return on equity (cash flow divided by equity).
5. Generally, for cooperative or condominium development proposals, the following information is required: market value of the property, acquisition costs and date of acquisition; hard and soft costs (if applicable); total development costs; construction/rehabilitation financing (if applicable); equity; breakdown of projected sellout by square footage, floor and unit mix; sales/marketing expenses; net sellout value; net profit (net sellout value less total development costs); and percentage return on equity (net profit divided by equity).

6. All construction cost estimates must be submitted by an architect, engineer, builder or contractor, other than the owner or applicant and must be signed and sealed. A published cost reference source may be supplied by the applicant's real estate analyst instead.
7. All site valuations, rental and/or sellout estimates must be substantiated with comparables, with narrative adjustments for time, location, age, zoning and physical characteristics. Other types of adjustments must be justified.

Item N: Certificate of Occupancy

A copy of the current Certificate of Occupancy, if the property has one, must be attached to the application.

Item O: Letter to Administrative Official

The Board's Rules of Procedure require that a copy of each BZ application form be forwarded by the applicant to the administrative agency from whose order or determination the appeal is made "immediately upon filing with the Board".

The Buildings Department is the administrative agency whose decision is being appealed in most of the most of the Board's zoning variance and special permit applications. One copy of the notice letter sent to the Department of Buildings by the applicant must be submitted to the Board with the application within 10 days of the filing with the Board. The same procedure applies to applications involving a Department of Small Business Services objection.

Item P: Notification of Filing

The Board's Rules of Procedure require the applicant to forward a copy of each BZ application, with all supporting documentation to:

- * The affected Community Board(s) or Borough Board;
- * The affected City Councilmember;
- * The affected Borough President; and
- * The City Planning Commission.

(Service to the affected Community Board or Borough Board and the City Planning Commission shall be served on the respective Chairperson. For the City Planning Commission, notify the Chairperson through Mr. Allan Geiger, 22 Reade Street, New York, N.Y. 10007.)

The applicant may forward the application to the above listed entities prior to filing at the Board or within three business days after filing the application. If, at the time of filing, the applicant has already forwarded the application to the above listed entities, a copy of the required proof may be submitted to the Board with the BZ application.

If the applicant notified the above listed entities after filing, the required proof must be forwarded to the Board within ten days of the filing with the Board. The required proof must be accompanied by a transmittal letter listing all documents submitted. Service of all material required shall be by regular mail, certified mail or personal service upon the individuals or entities required to be notified. Such individuals or entities shall either sign a receipt for such material or the applicant may submit an Affidavit of Service to the Board attesting to proper service. If such service is by regular mail, the applicant shall submit an official Post Office Certificate of Mailing together with the Affidavit of Service. If such service is by Certified Mail, the applicant shall submit the official Post Office Certificate of Mailing or the signed return receipt. If such service is by personal service, the applicant shall submit an affidavit attesting to the individuals or entities served.

Item Q: List of Affected Property Owners and Tenants

The applicant must submit with the BZ application the names and addresses of the owners of record of all property shown on the radius diagram, listing each owner by block and lot. The list must include all residential, commercial and industrial tenants of record of the property which is the subject of this application. Names and addresses of owners may be obtained from the City Collector's Office or from the City Register. The list of affected property owners (and tenants, if applicable) must include the source and date of the list and be notarized. In all cases, the list provided must show the names of the actual property owners with legal title, rather than mortgagees.

Item R: Affidavit of Applicant/Affidavit of Ownership

The applicant is required to sign the application and have his or her signature notarized. The Affidavit of Ownership must be completed by the fee owner and be notarized. This section is where the owner authorizes the applicant to file the application on his or her behalf. If the application is filed by a contract vendee, the contract vendee may complete the Affidavit of Ownership.

THE APPLICANT IS ADVISED TO REVIEW THE BOARD'S RULES OF PROCEDURE REGARDING OWNER AUTHORIZATION AND CONSENT.

Item S: CEQR Application

All BZ applications must be accompanied by the appropriate City Environmental Quality Review submission at the time of filing. The CEQR filing has a separate fee schedule and instructions. Questions regarding the CEQR process should be directed to the Board's CEQR examiner, Rory Levy, at (212) 788-8747.