



**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
www.nyc.gov/bsa**

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 or by calling the Executive Director at (212) 788-8805.

Filing Instructions

Submit four (4) legible, typewritten copies of the completed BZ Application Form and all attachments (Items G through T), to the Board. One original and three photocopies are acceptable. Complete only one application even if you are requesting more than one action of the Board.

If the filing of an EAS or EIS is required, you must also file two (2) copies and one (1) electronic copy (CD) of the document and all attachments in Adobe Acrobat PDF format. Please see separate CEQR procedure instructions.

Once the entire application has been reviewed by a staff examiner, a Notice of Comments will be issued. After the application has been revised in response to the Notice of Comments, submit eight (8) copies of the revised application, including Items A through S to the Board. The eight copies must be complete sets as these copies, and nothing from the initial filing, will be the copies that will be distributed to the Board for review. If any changes have been made to the EAS or EIS, two (2) copies of the EAS or EIS and all attachments must also be submitted, along with one (1) electronic copy.

Per Section 1-02(a) of the Board's Rules of Practice and Procedure ("Rules"), all filings shall be made in person at the Board office, and incomplete applications shall not be accepted. The applicant, and not Board staff, is responsible for stamping all copies of the application at the Board office.

BZ Checklist

Items A-F (Application Form)
Item G: Objections
Item H: Statement of Facts
Item I: Statement of Findings
Item J: Evidence of Uniqueness
Item K: BSA Zoning Calculations
Item L: Plans
Item M: Radius Diagram
Item N: Photographs

- Item O: Financial Feasibility Study
- Item P: Certificate of Occupancy
- Item Q: Notification of Filing
- Item R: List of Affected Property Owners and Tenants
- Item S: Affidavit of Applicant/Affidavit of Ownership
- Item T: CEQR Application

BZ APPLICATION FORM

Section A: Applicant/Owner

- Provide the applicant's name, address, phone number and email address;
- Provide the name and address of the owner of record;
- If applicable, provide the name and address of the lessee / contract vendee of the property.

Section B: Site Data

- Provide the address (street and house number);
- Provide the exact location of the subject property. For example: "Property 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."
- Provide the block number and lot number(s), the borough and the community board district within which the property is located. If the property is located in the borough of Queens, identify the borough as follows: "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 (A/K/A);
- Provide the number of the Certificate of Occupancy, if issued, and attach a copy to the application;
- Identify the Zoning District that the property is located within, and Special District, if applicable, with the map section as it appears in the New York City Zoning Resolution;
- Provide the City Councilmember whose district the property is located within.

Section C: Department of Buildings Decision

Before filing, the applicant must first file a complete alteration application or new building application, including plans, with the Department of Buildings (DOB). The application cannot be filed at the Board until the DOB has reviewed the application and has issued a negative determination ("objection"). In select cases, the Department of Business Services issues the objection. The following must be provided under Section C:

- The section(s) of the Zoning Resolution sought to be varied (e.g. Z.R. §22-11) and whether the application is for a zoning variance or special permit;
- The date of the DOB denial, the new building number (N.B. #), alteration application number (Alt. #) or building notice number (BN #) under which the plans were originally filed at the Department of Buildings or Department of Business Services.

Section D: Project Description

- Provide a brief description of the application, including size of building (square footage, number of stories) and use (commercial, residential, community facility, manufacturing, parking) and whether the proposal is a legalization.

Section E: BSA History and Related Actions

- Identify any previous Board cases, other pending applications before any other government agency or any court action regarding the premises. Attach copies of all previous Board Resolutions.

Section F: Signature

- BZ Application Form must be signed by the Applicant, Corporate Officer or Other Authorized Representative 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.

ATTACHMENTS TO BZ APPLICATION FORM

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

Item G: Objections (referenced in Section C)

Attach a copy of the DOB objection, stamped with the Borough Commissioner's denial. The date of the denial stamped on the face of the objection must be no more than 30 days prior to the date the application is filed with the Board; otherwise, the application will not be accepted. If the application is an appeal from the Department of Business Services, the same submissions are required.

Item H: Statement of Facts

Attach a typewritten Statement of Facts which discusses the application's principal points. This statement should include, but is not limited to, the following items:

- Provide an introductory paragraph that includes the following:
 - Property's address and neighborhood
 - Description of proposed development (use, square footage, FAR, building height and zoning lot square size)
 - Action requested (e.g., special permit or variance)
 - ZR section(s) to be waived
- For variance applications, provide a discussion of the factors contributing to the request for a variance;
- If the application involves an institutional program, discuss both the existing and proposed programs (e.g., number of employees, students/patients/patrons, operating hours);
- If the application involves a proposed business, discuss the operational plan and number of employees and patrons;
- Discuss a history of the occupancy of the site;
- Identify any prior Board applications for the site, pending violations and summonses; and all pending court actions.

Item I: Statement of Findings

Attach a typewritten Statement of Findings.

- Variance applications: Restate each of the five findings directly from ZR Section 72-21, followed by a comprehensive discussion of how the application meets each of the five findings. Refer in the Statement to evidence provided under Item M.
- Special permit applications: Restate each of the findings of the authorizing special permit section, the general findings of ZR Section 73-03, and, if applicable, relevant findings in a special zoning district, followed by a discussion of how the application meets each of the findings. For applications under ZR Section 73-622, please see the separate application instructions on the Board's web site.

Item J: Evidence of Uniqueness

For variance applications, evidence to support the “A” finding must be provided. Such evidence should be appropriate for the claimed uniqueness and may include, but is not limited to:

- Subsurface condition reports (geotechnical, environmental contamination, soil boring test results);
- Building conditions/structural engineering reports;
- Topographic maps/surveys;
- Proof of property ownership by title insurance company;
- Documentation of costs relating to hardship, including estimates.

Item K: Zoning Analysis

- Submit a completed Zoning Analysis Form (available on Board’s website) of applicable zoning computations for the existing, permitted/legal, and proposed conditions; Depending on the nature of each application, a Signage Analysis may also be required;
- All Zoning Analyses must be signed and sealed by a registered architect or a professional engineer.

Item L: Plans

Provide a complete set of plans for each of the following conditions:

- Proposed conditions
- Existing conditions
- Permitted/as-of-right conditions (if different from the existing conditions)
- Adjoining conditions
- If any of the above conditions are exactly the same, provide one set of plans and label properly (e.g., if the application is a legalization and the proposed conditions are identical to the existing conditions, label “existing/proposed conditions”).

Plan Requirements:

- All drawings submitted shall be properly titled, numbered, dimensioned, dated, drawn to scale and conform with the following directions and must bear a legible seal and signature of a registered architect or licensed professional engineer.
- All drawings and other exhibits shall be either 8½x14 inches or 11x17 inches in size, and folded to 8½x11 inches.

A complete set of plans for the proposed, existing and legal conditions must include the following:

- Plot Plan/Site Plan
 - Fully dimensioned and to scale (with a graphic scale)
 - Identify landscaping, including street trees
 - Indicate size and location of all curb cuts
 - Identify the dimension of sidewalks
 - Identify the location, height, and type of all fences
 - Indicate all topographical features

- Indicate legal, existing and finished grades
 - Identify 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.
 - Provide compass points
 - Identify address and lot numbers
 - Provide zoning floor area schedule
- Floor Plans
 - Provide plans for all floors, including cellar and roof
 - Identify all exterior dimensions
 - Identify approximate size of all interior spaces, including room sizes
 - If an enlargement, identify new and proposed construction
 - Provide compass points
 - Identify on the floor plans where the sections are taken from
- Section
 - Identify each section and coordinate labeling with location of section on floor plan
 - Dimension floor to floor heights, streetwall/setback heights, and total building height (all measured from curb level)
- Elevations
 - Identify facing materials and show all signs
 - Identify what side of the building is being shown (e.g., east elevation, etc.)
 - Dimension floor to floor heights, setback heights, and total building height
 - Streetscape, if submitted, should include heights of adjoining buildings.

Item M: Radius Diagram

Provide a radius diagram (drawn to a scale of 100 feet to 1 inch on sheets not to exceed 11" by 17" in size) which clearly shows the following:

- Provide a color land use map for all properties located within a 400 foot radius measured from the center of the subject lot. 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, or if the application is for separately owned one, two or three family dwellings, or for special permits with lot area less than 40,000 square feet, radius shall be measured 200 feet from the center of the lot.
- Use the following colors for land use:
 - Yellow for one and two-family homes
 - Orange for multiple dwelling
 - Red for commercial
 - Purple for manufacturing
 - Green for open space/park land
 - Blue for institutional/community facility
 - Dark grey for parking/automobile/utility

- Light grey for vacant/open lot
- Further identify the number of building stories and land use of all properties as follows:

III	Story Height
MD	Multiple Dwelling
D	Dwelling
R	Retail
G	Garage
C	Commercial
I	Industrial
M	Manufacturing
W	Warehouse
A	Auto

- All block numbers must be printed within a rectangle: 4624
- All lot numbers must be printed within a circled: 61
- Identify the frontage, depth and width of all lots, rounded to the nearest foot, within the building line;
- Identify all house numbers outside of the building line, street names, and street widths (property line to property line);
- Identify the zoning districts and boundaries;
- Provide compass points;
- Identify the location at which each photograph submitted as part of this application was taken with a circle with and arrow (↻) showing the direction in which the camera faced.

Item N: Photographs

A set of unmounted, 8"x10", glossy photographs must be submitted with the application, as follows:

- Photographs must show both the direct view of the full frontage of the property, context views of the site taken along the subject street, and adjoining conditions on each side of subject property;
- If relevant to the action, provide on-site photographs, including yards and building interiors;
- The front of each photograph must be properly labeled to include the street, 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. The address of the subject site should be included.

Item O: Financial Feasibility Study

Financial information is not required for applications for special permits, not-for-profit organizations, and individual one, two and three family residential bulk variance applications. In certain instances the examiner may, after reviewing the issues raised in the application, request that financial data be provided at a later date. 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 “A” Finding in ZR Section 72-21. Financial data is requested by the Board to explain why a reasonable return on the property is not possible and to demonstrate 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 at (212) 788-8797.

The following guidelines apply to the submission of financial data:

- All financial real estate submissions must be prepared by a 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.
- For use variance applications, separate financial submissions must be submitted for the existing use, conforming or legal use, and proposed use.
- For bulk variance applications, separate financial submissions must be submitted for the existing, complying and proposed conditions.
- The economic hardship that is stated in the uniqueness finding must be quantified for all financials in order to substantiate the hardship finding (“B” Finding) and the minimum variance finding (“E” Finding). The hardship must relate to the unique conditions claimed and not be the result of generally found conditions. Where applicable, the cost to remedy the hardship should be given in a dollar figure.
- Generally, the Board expects to see the following data on all properties: market-based acquisition costs; hard and soft costs (if applicable); total development costs; construction/rehabilitation financing (if applicable).
- For rental properties: breakdown of rental income by floor and square footage, gross income; vacancy/collection loss percentage and estimate; effective income; operating expenses; real estate taxes; water and sewer charges; net operating income; calculation of overall return, i.e., net operating income divided by total development cost.
- For cooperatives or condominium properties: breakdown of projected sellout/value by square footage, floor and unit mix; sales/marketing expenses; capitalized value of leased portions; net sellout value; net profit (net sellout value less total development costs); and calculation of return percentage (net profit divided by total development cost).
- 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.
- All rental and/or sellout estimates must be substantiated with comparables with narrative adjustments for time, location, age, zoning and physical characteristics.

Item P: Certificate of Occupancy

Attach a copy of the current Certificate of Occupancy, if issued. Where relevant, previously issued Certificates of Occupancy should be included.

Item Q: Notification of Filing

The Board’s Rules of Practice and Procedure (Sec 1-06(d)) 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;
- Administrative official from whose order or determination the application is made; 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 both Christopher Holme, Zoning Division, 22 Reade Street, New York, N.Y. 10007, and the relevant Borough Director.

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 notifies the above listed entities after filing, the required proof must be forwarded to the Board within ten (10) days of filing with the Board. The required proof, as identified in Sec 1-03(f) of the Board's Rules, must be accompanied by a transmittal letter listing all documents submitted.

Item R: List of Affected Property Owners and Tenants

Identify 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 S: Affidavit of Owner

Per Section 1-03(g) of the Board's Rules, the owner of record or other entity or person legally authorized to act for such owner must consent to the filing of the application. The Board's Affidavit of Ownership form must be completed, signed and notarized. If the property is part of a larger zoning lot, the declaration of zoning lot restrictions and certification of parties-in-interest must be attached.

Item T: 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 at (212) 788-8749.

July 15, 2009