

## APPLICANT'S PROCEDURE TO THE ZONING BOARD OF APPEALS

\*\*\*\*\*READ CAREFULLY AND FOLLOW DIRECTIONS\*\*\*\*\*

\*\*\*\*\*FAILURE TO COMPLY CAN RESULT IN DELAY AND PROBLEMS\*\*\*\*\*

IMPORTANT STEPS TO KNOW AND FOLLOW: RETAIN THIS FOR YOUR GUIDANCE AND FILE

READ THE TOWN'S ZONING LAW

THE ZONING BOARD GENERALLY MEETS ON THE THIRD THURSDAY OF EACH MONTH AT 7:30P.M., UNLESS OTHERWISE NOTIFIED.

1. Make application for a building permit to the Building Inspector.
2. The following are required in order to have a matter before the Zoning Board of Appeals: (A) Denial from the Building Inspector OR (B) Referral/Denial from the Planning Board OR (C) Request for an interpretation from any person aggrieved, or by any officer, Department, or Board of the Town.
3. You can expect a MINIMUM of Three (3) months time frame encompassing three (3) meetings to obtain a decision.
  - A. Pre-Submission Meeting 7:30PM (First Meeting);
  - B. Public Hearing Meeting 7:30PM (Second Meeting), which may be adjourned or continued to a subsequent meeting; and
  - C. Decision Meeting 7:30PM (Third Meeting)
4. Pre-Submission Meeting:
  - A. Ten (10) Days PRIOR to the Pre-Submission Meeting the following must be submitted to the Town Clerk:
    - 1a. Eight (8) copies of a complete application including a copy of the tax map showing the property.
    - b. Application Fee One Hundred Seventy Five Dollars (\$175.00) must be paid to the Town Clerk and the receipt must be submitted with the application. Make eight (8) copies of receipt and attach a copy to each copy of application.
    - c. Letter briefly explaining the project, submit eight (8) copies.
    - d. Short Form EAF (Environmental Assessment Form), eight (8) copies.
    - e. Proof Applicant (s) own property involved, or written permission from owner, eight (8) copies.

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- f. Eight (8) copies of a Survey Map or Site Plan, EACH PLAN FOLDED.
    - g. List of adjoining property owners.
    - h. Eight (8) copies of denial or referral from Building Inspector or Planning Board or Town Board.
  - B. You or a representative must appear at the Pre-Submission Meeting to present your request.
  - C. Public Hearing scheduled or second review meeting.
  - D. Revised Plans may be requested. Must be submitted Fourteen (14) days PRIOR to scheduled Public Hearing. If not submitted on time Public Hearing will be postponed.
- 5. ZBA Members may view your property prior to the Public Hearing.
- 6. Prior to Public Hearing:
  - A. Ten (10) days before the date of the Public Hearing each owner appearing on the adjoining owner's list, in compliance with the Town's Zoning Law, must be forwarded a copy of the form letter by Certified Mail, Return Receipt Requested. Receipts of Certified mailings must be delivered to the Board at the Public Hearing. Check owners in adjacent Municipalities if part of property is in adjacent Municipality.
  - B. The ZBA will place a Public Hearing Notice in the Legal Section of the Times Herald Record as notification to the general public.
- 7. Public Hearing 7:30PM (2nd Meeting)
  - A. You or a Representative present your case.
  - B. In order for the Zoning Board of Appeals to grant a variance you must present evidence of practical difficulties or unnecessary hardship, as defined in the Town Zoning Law, and New York State Statutes.

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C. If you are requesting an AREA VARIANCE you must show evidence regarding each and every one of the following:

1. That the benefit to the Applicant, if the Variance is granted, outweighs the detriment to the Health, Safety and Welfare of the Neighborhood or Community;
2. That no undesirable change will be produced in the character of the neighborhood, nor any detriment to nearby properties created by the granting of the requested variance;
3. Whether the variance requested is substantial;
4. Whether there is any other feasible method by which the Applicant may obtain the benefit sought by the area variance except by granting said area variance;
5. Whether the proposed variance would have any adverse impact or effect on the physical or environmental conditions in the neighborhood or district;
6. Whether the alleged difficulty was self-created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance, and;
7. That within the intent and purpose of this Chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that applied for.

D. If you are requesting a USE VARIANCE you must prove that applicable Zoning Ordinances have caused an unnecessary hardship by presenting evidence regarding, and Proving each and every one of the following as it would apply to each and every permitted use in the Zone in which the property is located:

1. After considering all permitted uses, that the Applicant can not realize a reasonable return if used only for a purpose allowed in that District. The lack of reasonable return must be significant and must be proved by competent financial evidence;
2. That the alleged hardship is due to unique circumstances affecting the property which is the subject of the application and does not apply to a substantial portion of the District or neighborhood;

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3. That the use to be authorized by the variance will not alter the essential character of the neighborhood; and
  4. That the unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title. Each purchaser of Real Property shall be presumed to have negotiated the price and other terms in full knowledge of the permitted uses and restrictions on the property;
  5. That within the intent and purpose of this Chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that applied for.
8. Decision Meeting 7:30PM (Third Meeting)
9. IMPORTANT: "Unless construction is commenced and diligently pursued within SIX (6) MONTHS of the date of the granting of a variance, such variance shall become null and void, unless renewed up application to the ZBA".
10. Planning Board Process if Applicable.
11. Contact the Building Inspector to obtain Permit(s).

APPEAL NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

USE VARIANCE ( )

AREA VARIANCE ( )

SPECIAL PERMIT ( )

INTERPRETATION ( )

Name of Applicant(s) \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Include Name and Address of Owner/Firm making Application, if different than Address of subject property.

REASON(S) FOR APPLICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Location of Property \_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Zone Designation \_\_\_\_\_

Is property within 500 feet of County or State Highway, County or State property, or boundary of another Municipality? Yes ( ) No ( )

2. Soil Classification and Area \_\_\_\_\_

3. Provision(s) of the Town of Deerpark Zoning Law from which applicant appeals. (State Article, Section and Paragraph of pertinent Ordinance/Law).

\_\_\_\_\_  
\_\_\_\_\_

4. An appeal is made herewith for:

- ( ) An interpretation of the Zoning Law or Map.
- ( ) A variance to the provisions of the Zoning Law Map.
- ( ) An extension to an existing variance or permit. (Expiration Date \_\_\_\_\_).

\_\_\_\_\_  
Signature(s) of person(s) making application

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature(s) of person(s) making application  
SITE INSPECTION AUTHORIZATION

\_\_\_\_\_  
Date

I HEREBY GIVE PERMISSION TO MEMBERS OF THE ZONING BOARD OF APPEALS OF THE TOWN OF DEERPARK, THE ENGINEER FOR THE TOWN OF DEERPARK, THE ATTORNEY FOR THE TOWN OF DEERPARK, OR ANY OF THEIR AGENTS AND/OR ASSIGNS TO ENTER UPON MY PROPERTY, LOCATED AT \_\_\_\_\_, TOWN OF DEERPARK, STATE OF NEW YORK, COUNTY OF ORANGE. DESIGNATED UPON THE TAX ROLLS OF THE TOWN OF DEERPARK AS SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_ IN ORDER TO PERSONALLY INSPECT SAID PREMISES IN ORDER TO EVALUATE THE APPLICATION FOR \_\_\_\_\_ AFFECTING THE SAID PREMISES.

DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF OWNER OF PROPERTY

\_\_\_\_\_  
Print Name of Owner of Property

