

**BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN**

New York Law states:

A. Area Variance:

A “variance” shall mean the authorization by the Board of Zoning Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning law and regulations.

In making its determination, the BZA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant.

It would be beneficial to secure letters of support from neighbors or adjoining and/or nearby properties; you should also familiarize yourself with the applicable village ordinances setting front, side, and back yard and height restrictions (The Village Code is available at Village Hall and on the website www.asharoken.com).

B. Use Variance:

A “Use Variance” shall mean the authorization of the Board of Zoning Appeals to allow a use that has no provision in the code to be permitted.

C. Special Use Permit:

A “Special Permit” shall mean the authorization by the Board of Zoning Appeals for the use of land for a purpose that is permitted under certain conditions.

D. Special Use Permit for Accessory use:

A “Special Use Permit for Accessory use” user must comply with conditions of the Incorporated Village of Asharoken’s zoning ordinance with which you should familiarize yourself (see local law 125-7, 125-41 of the Village Code available at the Village Hall or the website, www.asharoken.com).

Applicants for special use permit for accessory user are required to submit an original application and all required documentation and a fee of \$250.

In the second and third year the applicant must submit a renewal form certifying that all documentation and information given has not changed, no fee required. At the end of the third year the renewal expires and the applicant must re-apply in full and pay the fee of \$250.

Example:

Year One – Original application (Fee of \$250)

Year Two – Renewal application (No Fee)

Year Three – Renewal application (No Fee)

Renewal expires -Return to Year One

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INSTRUCTIONS FOR A RESIDENTIAL APPLICATION

Please read these instructions and accompanying information thoroughly

Steps 1 and 2 must be completed and submitted to the Village Clerk Office before a BZA hearing will be scheduled and put on the calendar:

STEP 1:

Eight (8) identical packets of the following documents assembled in the same order as indicated below. These identical packets become permanent of the file and cannot be returned. Many of the required documents are attached for your completion.

- a. LETTER OF DENIAL (when required) from the Building Department
- b. APPLICATION FORM (for variance, special use permit for accessory use or special use permit) must be signed by the applicant and all parties on the current deed for the property and completed in detail
- c. LIST OF PROPERTY OWNERS AND OCCUPANTS AND **RADIUS MAP within 300 feet of the subject property** – include full names, address, and property tax ID# and map
- d. SURVEY OF PROPERTY IN RECOGNIZABLE SCALE showing precise dimensions of all existing structures
- e. SITE PLAN showing all additions, dimensions, type and material of proposed structure and screening, etc.
- f. Copy of CERTIFICATES OF OCCUPANCY and/or LETTER IN LIEU OF C.O. for all structures on the property
- g. Copy of DEED and any covenants and restrictions relative to the property
- h. PHOTOGRAPHS of all relevant structures on the property from various angles or clear drawings of proposed structures
- i. Copy of both town and village paid TAX BILL for the applicant property
- j. INSPECTION AGREEMENT signed by property owner
- k. AFFIDAVIT OF POSTING “Public Notice” sign; signed and notarized
- l. AFFIDAVIT OF MAILING signed and notarized with attached list of property owners (above)

STEP 2:

APPLICATION FEES in the form of a check payable to the Incorporated Village of Asharoken according to the following fee schedule:

Application fee for special use/accessory permit.....	\$250
Application fee for variance.....	\$550

Plus additional fees for mailings, signage, transcripts, etc. (ask village clerk)

**APPLICATION FOR VARIANCE, SPECIAL USE PERMIT &
SPECIAL USE PERMIT FOR ACCESSORY USES**

Pursuant to the Provisions of Chapter 125 of the Code of the Village of Asharoken,

BZA Application No. _____ Date _____

This Application must be fully completed and will not be accepted unless Affidavit of Ownership (see below) is executed by the record owner of property described

Applicant: _____

Address: _____

Owner: _____

Address: _____

Name and address of person who will appear for the applicant at the Public Hearing:

Name: _____

Address: _____

Contact Phone No.: _____

Please fill out items (A) through(K)

Item (A)

Application is hereby made for:

(1) A Variance under Section (s): _____

(2) A Special Use Permit under Section(s): _____

(3) A Special Use Permit for Accessory uses Section(s): _____

(4) An Appeal for a determination under Chapter 125, section 37 of the **Village Code**
Explain what determination you are seeking: _____

Item (B)

Location of Subject Premises:

House Number and Street Name: _____

Location: Section _____ Block _____ Lot(s) _____

Zoning District: A Zone _____ B Zone _____ C Zone _____
(Contact Village Hall to confirm the Zone your property is located in)

Item (C)

To permit the: Erection/Alteration/Extension/Use of _____

Item (D)

Date of attached Superintendent of Buildings Denial letter: _____

Item (E)

Question(s) involved: _____

Item (F)

Is the application in connection with a *Proposed* () or an *Existing* () Building Use (check one).

Item (G)

Type of construction: brick/frame/masonry/other _____

Item (H)

Size of Lot ____X____ Feet, Frontage _____ Feet, Rear _____ Feet, Depth _____ Feet

Total square feet of property: _____ Sq .Ft.

Size of Existing Building: Front _____ Feet, Depth _____ Feet

Size of Building as Proposed: Front _____ Feet, Depth _____ Feet

Height of Building: No. of existing stories _____ Height in Feet _____

Height of proposed Building: No. of stories _____ Height in Feet _____

Item (I)

Property Use: Current: _____ Proposed: _____

Is there any petition pending before the Village Board for change of Zone? _____

Item (J)

Give any previous appeals or prior zoning approvals on these premises (provide dates and types of variances denied or granted).

How long has owner held title to property? _____

Have any violations been issued that are affecting the premises? _____

Has a Court Summons been served relative to this matter? _____

Item (K)

I hereby submit the principle points on which this application is based with description of existing conditions and proposed work. In requesting a use variance include a statement concerning your hardship (attach separate sheet if necessary).

I hereby depose and say that all the above statements and information and all statements and information contained in paper submitted herewith are true.

Applicant's Signature _____

Sworn to before me this _____ Day of _____, 20_____ .

(Notary Public)

AFFIDAVIT OF OWNERSHIP

County of)
)
State of New York)

ss:

_____ being duly sworn, deposes and says that
he/she resides at _____ in the County of _____
and State of _____.

That he/she is (the owner in fee)
(the _____ of _____.

The **corporation/limited liability company/partnership** which is (the owner in fee) of
the premises described in this application shown on the Suffolk County Land & Tax Map as
Section No. _____ Block No. _____ Lot(s) _____ that he/she has
authorized _____ to make this application and that the
statements of fact contained in this application are true.

Owner's signature _____

Sworn to before me this
_____ Day of _____, 20_____.

(Notary Public)

INSPECTION AGREEMENT

This will grant permission to the members of the Board of Zoning Appeals of the Village of Asharoken and/or the building inspector to inspect the exterior of the subject property prior to and/or after the application hearing date. Inspection by BZA members may be conducted without notifying the owner.

Signing below will indicate your understanding and acceptance of the inspection agreement for the property noted below.

DATE

OWNER SIGNATURE

Location of Property:

Address: _____

Village contact information:

Village of Asharoken, One Asharoken Avenue, Northport, New York 11768
(631) 261-7098, Fax: (631) 262-0462

INFORMATION FOR APPLICANTS ABOUT “NOTIFICATION BY MAIL & SIGNAGE” REQUIREMENTS

The applicant shall post the “Public Notice” sign and mail out letters to property owners within 300 feet of the perimeter of the subject property no less than ten (10) days nor more than twenty (20) days before the hearing date.

After the “Public Notice” sign has been posted and the letters have been mailed the applicant must file two affidavits: one for posting the “Public Notice” sign and one for the certification of mailing to the Board of Zoning Appeals Office of the Village Clerk, in no less than five (5) days prior to the hearing date.

The said affidavits shall include the name of the person that actually posted the “Public Notice” sign and mailed the letters.

Failure to submit the affidavits to the Board of Zoning Appeals office may result in postponement of the public hearing.

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**AFFIDAVIT OF POSTING THE
“PUBLIC NOTICE” SIGN**

THIS IS TO CERTIFY THAT I HAVE POSTED THE “PUBLIC NOTICE” SIGN CLEARLY
NEAR THE ROAD FRONTAGE OF THE SUBJECT PROPERTY.

LOCATED AT _____,

GIVING NOTICE THAT AN APPLICATION IS PENDING BEFORE THE BOARD OF ZONING
APPEALS ACCORDING TO THE APPLICABLE PROVISIONS AND THAT A PUBLIC HEARING
ON THIS MATTER WILL BE HELD ON _____, 20____ AT 7:30 PM.

BZA APPLICATION # _____

DATE OF POSTING _____

(Signature)

(Print name in black)

Sworn to before me this

_____ day of _____, 20_____.

(Notary Public)

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AFFIDAVIT OF MAILING

THIS IS TO CERTIFY THAT I HAVE MAILED NOTICES OF PUBLIC HEARING FOR BZA APPLICATION # _____ SUBMITTED TO THE BOARD OF ZONING APPEALS, WHICH HEARING IS TO BE HELD ON _____, 20 ____ AT 7:30 PM. TO ALL OWNERS AND ADDRESSES WITHIN 200 FEET OF THE PERIMETER OF THE SUBJECT PROPERTY WITH CERTIFICATE OF MAILING.

ATTACHED HERETO IS A LIST OF THESE PROPERTY OWNERS AND ADDRESSES AND ADDRESS THEREFORE TOGETHER WITH CERTIFICATES OF MAILING FOR EACH RECIPIENT.

(Signature)

(Print name in black)

Sworn to before me this

_____ day of _____, 20_____.

(Notary Public)