

**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](http://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](http://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**

**BOARD OF ZONING APPEALS  
VILLAGE OF ASHAROKEN**

**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 screening, floor and elevation plans.**
- 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).

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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).

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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

BOARD OF ZONING APPEALS  
VILLAGE OF ASHAROKEN

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In the Matter of the Application of

**AFFIDAVIT PURSUANT TO  
GENERAL MUNICIPAL LAW, §809**

-----X

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF                    )

\_\_\_\_\_ being duly sworn, deposes and says:

1.     [Complete either paragraph A or B, and cross out the inapplicable paragraph]

(A)    FOR INDIVIDUAL APPLICANT: I am (the applicant) (one of the applicants) in  
the above matter.

(B)    FOR ENTITY APPLICANTS: I am the \_\_\_\_\_ of the  
applicant in the above matter, and am authorized to make this affidavit on behalf of the applicant.

2.     I make this affidavit for the purposes of complying with the requirements of  
General Municipal Law §809.

3.     No officer of the State of New York, and no officer or employee of the County of  
Suffolk, the Town of Huntington, or the Village of Asharoken, and no party officer of any  
political party, has an interest in the within application within the meaning of General Municipal  
Law §809, except as stated hereinafter (if none, state *NONE*): \_\_\_\_\_

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

4. In the event there is any change in the information set forth herein between the date hereof and the final determination of this application, a supplemental affidavit will be filed promptly to provide that further information.

\_\_\_\_\_  
Name:  
Title:

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

**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.

**BOARD OF ZONING APPEALS  
VILLAGE OF ASHAROKEN**

**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)

**BOARD OF ZONING APPEALS  
VILLAGE OF ASHAROKEN**

**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 300 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)