

# INCORPORATED VILLAGE OF EAST ROCKAWAY

## INSTRUCTIONS FOR APPLICATION TO ZONING BOARD OF APPEALS

---

1. An application for a building permit is a prerequisite to any application or appeal to the Board.
2. No applications or appeals to the Zoning Board of Appeals will be considered until the applicant or person making the appeal shall have first received a Denial Notice from the Superintendent of the Building Department.
3. The following forms to accompany application; **(Please collate into ten (10) complete sets)**
  - A. Ten (10) complete and accurate lists of the names and addresses of the owners of all the lands within a radius of two hundred (200) feet of the boundary lines of property affected by such application; such list shall contain the Section, Block and Lot as indicated on the Village Tax Map, **using the forms provided**; names and addresses shall be obtained from the current tax roll;
  - B. Ten (10) copies of an area map of all properties within two hundred (200) feet of the subject property lines showing the size of the plots on maps, clearly indicating **Village** Section, Block and Lot for each property, as well as the subject property; **using form provided**;
  - C. Ten (10) copies of the permit application;
  - D. Ten (10) copies of a current legible survey by a licensed engineer or surveyor showing the property involved and indicating the Section, Block and Lot numbers on the Village Tax Map;
  - E. Ten (10) copies of the Denial Letter;
  - F. Ten (10) copies of "Appeal to the Zoning Board of Appeals" Application, **using the form provided**;
  - G. Ten (10) sets of plans;
  - H. Ten (10) copies of Environmental Assessment Form, **using the form provided**;
  - I. Ten (10) copies of the Affidavit of Certification by Applicant, **using the form provided**;
  - J. Ten (10) sets of UN-mounted photographs showing actual conditions on both sides of the street and the portion of the property or structure in question;
  - K. Ten (10) copies of a statement setting forth the reasons justifying the variance request. This statement must address the following:
    - 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    - 3) whether the requested area variance is substantial;
    - 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    - 5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

4. The applicant or his/her authorized agent shall mail notice of the hearing, postmarked no less than ten (10) days nor more than twenty (20) days before the hearing, to the owners of all properties located within two hundred (200) feet of the exterior limits of the subject property as shown on the current tax roll:
  - A. Notice of hearing addressed to the owners of properties that are directly adjacent to the subject property shall be sent by Certified Mail – Return Receipt Requested. For purposes of this subsection, “adjacent” shall include property located on the opposite side of any street or right-of-way.
  - B. Notice of hearing addressed to the owners of all other properties located within two hundred (200) feet of the exterior limits of the subject property shall be sent by first class mail.
5. The applicant or his/her authorized agent shall also file an affidavit of mailing with the Board of Appeals office no less than two (2) business days before the hearing. Said affidavit shall contain a sworn statement by the affiant that he/she is the person that actually mailed the notices and a list of the names and addresses of the property owners that were notified and the manner in which they were mailed notice. The affidavit shall be accompanied by the receipts for those notices mailed by certified mail and any return receipts received at the time the affidavit is filed. Failure to mail the notices as required by Subsection B above and/or provide the affidavit of mailing to the Board of Appeals office as required herein may result in postponement of the public hearing.
6. **Posting of Signs.** The applicant or his/her authorized agent shall post a sign on each frontage of the subject property giving notice that an application is pending before the Board of Appeals and the nature of that application, as well as the date, time and place at which the public hearing will take place.
  - A. The signs shall be twenty (20) inches by thirty (30) inches and shall be supplied to the applicant by the Village Building Department for a fee. Said signs shall be located at the center of the frontage of the subject property, not more than ten (10) feet back from the property line. It shall be located not less than two (2) feet nor more than six (6) feet above grade and it must be clearly visible from the street. On or before the date and time of the public hearing, the applicant or his/her agent shall certify, in writing, in a notarized affidavit to the Board, that he/she has erected the sign as described herein.
  - B. Such sign or signs shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing and shall be removed by the applicant or his/her agent within three (3) days after the hearing has taken place. Failure to post signs and/or provide affidavit of posting as required in Subsections A and B above, may result in a postponement of the public hearing.

**Signs are available at the Building Department, for a fee of \$20.00. Applicant or his/her authorized agent MUST contact the Building Department at 887-6310, a minimum of five (5) business days prior to the required posting date.**

7. When an application to the Zoning Board of Appeals is filed, it shall be accompanied by a fee payable in cash or check made payable to the *Incorporated Village of East Rockaway* according to the following schedule:
  - A. **A filing fee of \$400.00 for residential and \$600.00 for commercial** shall be required upon the filing of any application to the Zoning Board of Appeals.
  - B. For all applications to the Zoning Board of Appeals, **a separate check for deposit of \$1,500.00** which shall be applied to cover the following costs which may be incurred by the Village in processing the application:
    - 1) Advertising.
    - 2) Stenographic minutes of meetings and hearings.
    - 3) Engineering costs.
    - 4) Inspection costs.
    - 5) Legal fees.
    - 6) Recording fees.
    - 7) Planning, sound, traffic, environmental or other specialized studies.
    - 8) Any other costs attributable to the application.

8. A public hearing on an application shall not be held until all items above have been completed as submitted.