Zoning Board of Appeals, Application for Appeal

APPLICATION FOR APPEAL

APPEAL NO. _____
DATE _____

TO THE ZONING BOARD OF APPEALS, TOWN OF [NAME OF TOWN], NEW YORK

I (We) _____ of _____
Name(s) of Applicant(s) Street and No.

_____, _____, HEREBY APPEAL
Municipality State

TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE ENFORCEMENT OFFICER ON APPLICATION FOR BUILDING PERMIT NO. [NO.], DATED [MONTH] [DAY], [YEAR], WHEREBY THE ENFORCEMENT OFFICER DID DENY

( ) A BUILDING PERMIT
( ) A PERMIT FOR USE
( ) A CERTIFICATE OF OCCUPANCY
( ) A SPECIAL PERMIT OR EXTENSION THEREOF TO THE ZONING ORDINANCE OR MAP

( ) AN INTERPRETATION OF THE ZONING [ORDINANCE/LOCAL LAW] OR MAP

1. _____
(Location of Property) (Street and No. or other identification)

Tax Map No. _____ Use District on Zoning Map _____

IS PROPERTY WITHIN 500 FEET OF: (Circle one opposite each)

a. Any municipal boundary line? YES NO

b. Any existing or proposed county or state park or other recreation area? YES NO

c. Any existing or proposed county road? YES NO

d. Any existing or proposed state road? YES NO

e. Any existing or proposed county stream or drainage channel? YES NO

f. Any existing farm in an agricultural district? YES NO

Sample
Sample

2. TYPE OF APPEAL. Appeal is made herewith for:

( ) An area variance

( ) A use variance

( ) An interpretation of the Zoning Ordinance or Zoning Map

( ) A Special Permit to the Zoning Ordinance or Zoning Map

( ) An extension to a Special Permit

3. PREVIOUS APPEAL. A previous appeal ( ) has
( ) has not

been made with respect to this decision of the Enforcement Officer or with respect to this property.

If so: Such appeal(s) was (were) made in Appeal No. [no.] dated [month] [day], [year].

4. REASON FOR APPEAL. (Complete relevant blank. Use extra sheet if necessary.)

a. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED because:

_____

b. A SPECIAL PERMIT IS REQUIRED pursuant to Article _____ of the Zoning Ordinance because: _____

_____

c. EXTENSION TO A SPECIAL PERMIT IS REQUESTED because:

_____

d. A USE VARIANCE IS REQUESTED for these reasons:
(All reasons must be answered)

(1) Under the zoning regulations, I (we) will be deprived of all economic use or benefit from the property in question because: _____

_____

(2) The hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood because: _____

_____

(3) The variance will not alter the essential character of the neighborhood because:

_____

Sample
Sample

e. AN AREA VARIANCE IS REQUESTED for these reasons:

(1) If the variance is granted, the applicant will have the following benefit:

_____

(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties, because: _____

_____

(3) The applicant cannot attain the benefit of having the variance by any other method because: _____

_____

(4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

_____

5. PUBLICATION EXPENSE. I (We), the undersigned, understand that a public hearing is required to be held on this request and that notice of such hearing will be published in the official Town paper as prescribed by law. I (We) agree to pay the cost of advertising the hearing and any other reasonable expenses billed by the official newspaper and/or by the Town of [name of Town].

6. SECTION 809 CERTIFICATION. In accordance with section 809 of the General Municipal Law of the State of New York, the undersigned certifies in submitting this application that no officer or employee of the State of New York or the County of [name of County] or Town of [name of Town] is interested in granting said application:

It is understood that:

(1) A person is "interested" in such an application when [he/she] or [his/her] spouse or [his/her] brothers, sisters, parents, children, grandchildren or spouse of any of them

(a) is the applicant, or

(b) is an officer, director, partner or employee of the applicant, or

(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or

(d) is a party to an agreement with such an applicant, express or implied, whereby [he/she] may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.

(2) Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

Sample
Sample

(3) Any person who knowingly and intentionally violates the provisions of section 809 of said General Municipal Law shall be guilty of a misdemeanor.

(NOTE: If in any case the applicant cannot make the foregoing certification, the applicant shall so state and shall furnish with the application a signed statement which sets forth in detail the reason therefor.)

The foregoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

_____

Applicant

Phone No. _____

Sample

Sample