

**TOWN OF POUND RIDGE
Zoning Board of Appeals Application**

Submit Pages 1-2

Date _____
Block _____ **Lot** _____
Fee Amount Paid _____

Address of Property: _____

▶ Name of Owner: _____

Address: _____

Phone: _____ cell: _____ Fax: _____ e-mail: _____

Mailing address (if different from above) _____

Signature of Owner: _____ **Date:** _____

▶ Name of Applicant (*if other than owner*): _____

Address: _____

Phone: _____ cell: _____ Fax: _____ e-mail: _____

Signature of Applicant: _____ **Date:** _____

(Submit a letter of authorization from the owner on their behalf.)

Directions to Property _____

- The Building Inspector notified the applicant that:

- Applicant alleges:

- a) That there are special circumstances or conditions applying to the building or land for which this adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district and have not resulted from any act of the applicant subsequent to the date of adoption of the applicable provisions of the Zoning Ordinance or Local Law.
- b) That by reason of such special circumstances and conditions, the strict application of such provisions of the Zoning Ordinance and/or Local Law would result in practical difficulty or unnecessary hardship that would deprive applicant of the reasonable use of such land and/or buildings.
- c) That the granting of the requested adjustment would be in harmony with the general purposes and intent of the Zoning Ordinance and Local Law and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- Provide a statement of the basis for the application: (or attach statement on separate sheet)

Applicant therefore requests the Zoning Board of Appeals to vary or modify the strict application of said provisions of the Zoning Ordinance and/or Local Law to said property, which is the minimum adjustment that will accomplish the purpose of this application.

- Said property lies within 500 feet of the boundary or borders of the Town of Pound Ridge.
Yes No
- Said property abuts a state or county highway, or a state or county park.
Yes No
- Previous application for the relief herein requested has been made.
Yes No

If yes, include date _____

- All taxes and/or penalties on said property have been paid to date.
Yes No
- List any previous variances applied for and/or granted on this property:

STATE OF NEW YORK) **ss.**
COUNTY OF WESTCHESTER)

The undersigned, being duly sworn, deposes and says that he/she has read the foregoing document and knows the contents thereof, and that the facts set forth therein are true to the best of his/her knowledge, information and belief.

Signature of Applicant

Subscribed and sworn to before me
this _____ day of _____, 20 _____.

Notary Public

The Board of Appeals will not consider this application unless entirely completed.

See important pertinent information contained in the following checklist.

CHECKLIST

Submit the following to the Building Department by 1:00 p.m. at least 16 days prior to the scheduled public hearing:

- Completed, notarized application form.
- Three copies of a survey of said property indicating all buildings, structures, wells and septic fields, and indicating any proposed construction with respect to this application, including measurements from property lines.
- Elevations of all proposed structures.
- Electronic version (.pdf) of above items e-mailed to ktaft@townofpoundridge.com
- Completed Zoning Conformance Worksheet (included in this packet).
- Completed Verification of Taxes Paid Form (included in this packet).
- Check in the amount of \$120 for variance requested, \$320, if variance application is to address a violation, made payable to the Town of Pound Ridge.

Note the following important information:

- Notice of public hearing will be published in the official Town newspaper at least five days prior to the date of the public hearing by the Zoning Office.
- Notice of public hearing (prepared by the Zoning Office and e-mailed to the applicant) shall be sent **by the Applicant** to all property owners within 500' of the perimeter of the subject property **at least five days prior to the date of the public hearing**, as required by the Zoning Code of the Town of Pound Ridge. Names and addresses can be found in the Assessor's Office.
- Submit a list of those who were notified to the Zoning Office.
- Submit the Affidavit of Notification (included in this packet) to the Zoning Office.
- Board members will walk the site and property, where relevant, the Saturday prior to the public hearing, generally around 9:00 a.m. or such other time that is practicable. Proposed construction areas must be marked. The applicant or representative should be available at the time of the site walk. By signature on this application, the owner grants permission to allow the members of the Zoning Board of Appeals to perform a site walk on their property.
- The applicant should review the criteria for granting either an area or use variance (listed on the following page), and be prepared to demonstrate the minimal impacts of the relief being sought.**

For further information, call Karen Taft, Administrator to the Zoning Board, at the Town House at 914-764-3982.

Failure to comply with these requirements will result in the likely postponement of your hearing.

VARIANCES

Area Variance

Generally, an area variance involves limitations with respect to size or placement of a structure. These limitations could involve height restrictions, setback requirements, square footage, etc. To grant an area variance, the Board must consider the benefit to the applicant if the variance is granted and the detriment to the health, safety and general welfare of the neighborhood or community if the variance is granted. In arriving at the preceding “balanced approach” the Board must consider the following:

1. Whether an undesirable change will occur in the character of the neighborhood or a detriment to nearby properties will be created;
2. Whether the benefit sought can be achieved by a feasible alternative other than a variance;
3. Whether the variance requested is substantial;
4. Whether there will be an adverse effect on the physical or environmental conditions of the neighborhood;
5. Whether the alleged difficulty is self created.

In considering the foregoing, the Board must also determine the minimum variance necessary to satisfy the aggrieved party and also preserve the essential character of the neighborhood and protect the health, safety and welfare of the community.

Use Variance

A use variance involves the use of land in a manner or for a purpose, which is otherwise not allowed by the Zoning Ordinance. In order to be granted a use variance, the applicant must be able to demonstrate “unnecessary hardship.” To prove unnecessary hardship, it must be demonstrated that:

1. The land cannot yield a reasonable return if used only for the uses permitted in that zone (must be actual dollars and cents proof);
2. That the plight of the owner is due to unique circumstances of the parcel in question;
3. That the proposed use will not alter the essential character of the locality;
4. That the unnecessary hardship was not self created.

ZONING BOARD OF APPEALS INFORMATION

The Zoning Board of Appeals in Pound Ridge is made up of five members who are appointed by the Town Board for terms of five years each. The terms are staggered so that only one term expires per calendar year, ensuring member continuity on the Board at all times. Board decisions are rendered on the basis of simple majority. The Board usually meets on the third Wednesday of each month at the Town House on Westchester Avenue at 7:30 p.m.

Powers of The Zoning Board of Appeals

The Zoning Board of Appeals is empowered to act in two (2) ways:

1. **Variations** – The Board may grant a variance from the provisions of the Zoning Ordinance when specific relief is requested, and the applicant can demonstrate that he/she meets the criteria for the granting of a variance as prescribed by law.
2. **Reversal** - The Board may reverse or modify a decision or interpretation made by the Zoning Code Enforcement Officer where a reversal or modification is requested and the evidence presented demonstrates that the decision or interpretation merits reversal or modification.

It is important for all applicants to understand that legal criteria exists, and the burden of proof must be met for any decision favorable to the applicant to be rendered.

Who May Appear

Anyone who stands to be “aggrieved” by a decision of the Zoning Code Enforcement Officer may appear before the Board. Commonly, the aggrieved party is the property owner who has been refused a building permit; but an aggrieved party could also be anyone else who believes that a decision made in issuing a permit was improper and injurious to him/her. Also, anyone who receives an enforcement action (such as a notice of violation) may be eligible to take an appeal to the Board. It should be noted that generally the cases that the Board may hear are those that follow an action taken by the Code Enforcement Officer where an aggrieved party seeks relief.

Public Work Session

After all interested parties have been heard and the public hearing has been closed, the Board will deliberate in a Public Work Session, which the public may attend. Please note that while the Board deliberates in public, NO comments are entertained at this session. Any information relevant to the application must be presented at the public hearing. The Board has up to sixty days to publish its decision, and applicants will receive a copy of the written decision when it is filed with the Town Clerk.

In conclusion, prospective applicants must understand that the Zoning Board of Appeals makes its decisions based upon established legal principles. Because court challenges may arise, applicants must be prepared to meet, at the minimum, the criteria as set forth above in order to be successful.

**AFFIDAVIT OF NOTIFICATION
TO BE COMPLETED BY APPLICANT OR DULY AUTHORIZED REPRESENTATIVE**

STATE OF NEW YORK) ss.
COUNTY OF WESTCHESTER)

_____, being duly sworn, deposes and says that he/she is (are) the owner(s) of record or representative of the owner of the property located at

_____,
which is the subject of an application for Zoning Board of Appeals approval of which is herein made. That the abovementioned name of record of said premises has hereby sent notification of their application for the Town of Pound Ridge Zoning Board of Appeals to all owners of record within five-hundred (500) feet of the boundary of the subject property by regular mail. That the statements contained herein are true to the best of the deponent's knowledge and belief, and are made for the purpose of inducing the Zoning Board of Appeals of the Town of Pound Ridge to approve the application submitted.

Signature

Print Name _____

Title _____

Sworn to before me this the _____
Day of _____, 20 __

Notary Public

Instructions for Completing Zoning Conformance Worksheet

The purpose for filling out the following Zoning Conformance Worksheet is to determine whether or not it will be necessary for an application to also be heard by the Planning Board. If the figure in the “% Threshold” column exceeds 100%, an appearance before the Planning Board will be necessary.

1. Enter existing and proposed square footage of all property coverage and enter total.
2. Divide this total by the maximum coverage threshold for your zoning district (R-3A, R-2A, R-1A).
3. Enter the percentage in the right column.
4. Adjust this percentage to a decimal to calculate increased setbacks in the table at the bottom of the worksheet. For example, if the “% Threshold” is 121%, and you are in an R-3A district, multiply each setback by 1.2 (1.2 x 60’ front yard = 72’ rounded up to the nearest 5’ increment = 75’) (1.2 x 50’ side yard = 60’).
5. Enter the increased setbacks in the column to the right. Identify these increased setbacks as well as the minimum setbacks on the site plan.

ZONING CONFORMANCE WORKSHEET

Applicant: _____ Address: _____ Block/Lot: _____ Date: _____

	EXISTING	PROPOSED	TOTAL	R-3A	R-2A	R-1A	% THRESHOLD (Total/Threshold)
a. Principal Dwelling				(Maximum Allowable Building Threshold sq. ft.)			
b. Other Buildings							
TOTAL BUILDING COVERAGE							4,500] 3,600 [2,600
a. Total Building Coverage (from above)				(Maximum Allowable Lot Threshold sq. ft.)			
b. Driveway							
c. Other Structures/Improvements (1) pool (2) tennis court (3) patio, deck, walks							
TOTAL LOT COVERAGE							12,000] 9,000 [7,000

	MINIMUM REQUIRED SETBACKS			EXISTING	PROPOSED	INCREASED MINIMUM SETBACKS (Minimum Required x % Threshold Rounded up to 5' increments)
ZONING DISTRICT	R-3A	R-2A	R-1A			
a. Front Yard	60'	60'	50'			
b. Side Yard	50'	50'	35'			
c. Rear Yard	75'	50'	50'			
d. Vegetated Buffer	20'	15'	10'			

Town of Pound Ridge

Debbie Damascus
Receiver of Taxes

Tel.: 914-764-5511
Fax: 914-764-0102



Date: _____

PURSUANT TO LOCAL LAW 1 OF 1988 COLLECTION OF FEES, FINE, ASSESSMENTS AND CHARGES

To Whom It May Concern:

I, Debbie Damascus, Receiver of Taxes of the Town of Pound Ridge, New York 10576, do hereby certify that all current taxes due on the property designated as:

Section _____ Block _____ Lot _____, of the Town of Pound Ridge assessment map are paid to date.

The said parcel being assessed to: _____

NOTE: This document is valid only until the close of the next tax-billing period ending on:

_____.

Debbie Damascus
Receiver of Taxes

COMMENTS: