

**ZONING BOARD OF APPEALS APPLICATION****Town Of Pound Ridge, NY****(Submit pages 1 and 2)****Date** \_\_\_\_\_**Block** \_\_\_\_\_ **Lot** \_\_\_\_\_**Zoning District** \_\_\_\_\_**Fee Amount Paid** \_\_\_\_\_**Project Address:** \_\_\_\_\_► **Name of Owner:** \_\_\_\_\_**Mailing Address:** \_\_\_\_\_**Phone:** \_\_\_\_\_ **cell:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_**Signature of Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By signing this application, the owner authorizes the Zoning Board of Appeals and any member of other Town Boards or Commissions, as well as it's agents, consultants or employees the right to enter the premises for the purpose of gathering information pertinent to the application.

► **Name of Applicant (if other than owner):** \_\_\_\_\_**Mailing Address:** \_\_\_\_\_**Phone:** \_\_\_\_\_ **cell:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_*(Submit a letter of authorization from the owner to sign on their behalf.)*

- The Building Inspector notified the applicant that:

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- Applicant alleges:

- 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.
- 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.
- 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)

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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:

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**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

\_\_\_\_\_  
Date

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 to be submitted which is contained in the "CHECKLIST" on page 4 of this application packet.**

## **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 7:00 p.m.

### **Powers of The Zoning Board of Appeals**

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

1. **VariANCES** – 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.

## Checklist

**SUBMIT THE FOLLOWING TO THE BUILDING DEPARTMENT BY THE DEADLINE POSTED ON THE TOWN CALENDAR IN ORDER TO PROVIDE AMPLE TIME FOR REVIEW AND NEWSPAPER PUBLICATION:**

- ☐ Completed, notarized application form
- ☐ Three copies of site plan of said property indicating all buildings, structures, wells and septic fields, and indication of any proposed construction with respect to this application, including measurements from property lines
- ☐ Submit 1 digital application package as a PDF to Nicole Engel at [chiefstaff@townofpoundridge.com](mailto:chiefstaff@townofpoundridge.com)
- ☐ Elevations of all proposed structures
- ☐ Completed Short Environmental Assessment Form Part I, which can be obtained online at: [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf)
- ☐ Completed Code Conformance Worksheet (included in this packet)
- ☐ Completed Verification of Taxes Paid Form, signed by Receiver of Taxes (included in this packet)
- ☐ Submit the list of property owners notified to the Zoning Office
- ☐ Submit the Affidavit of Notification (included in this packet) to the Zoning Office, subsequent to the notices being mailed.
- ☐ Check in the amount of \$120 for variance requested, or \$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 prepared by the Zoning Office and e-mailed to the applicant. Upon receipt of this notice, the applicant must send it by **regular mail** to all property owners within 500' of the perimeter of the subject property, at least 14 days prior to the date of the public hearing. Names and addresses can be found on the Town's website, [townofpoundridge.com](http://townofpoundridge.com).  
**Instructions for locating abutters:** Click on "GIS Mapping" on the home page of the website, then the link. When the page appears, click "I agree". In the "Search" column, enter either B/L, owner or location of the Project Address, then click the blue box that applies. The property will be highlighted in yellow. Then click on "Abutters". It should be defaulted to 500 feet. Click "Select". The abutters will be indicated inside the red lined area. Then click under "Reports" and select either a PDF list of abutters or mailing labels, and print.
- Notice of public hearing will be published by the Zoning Office in the official Town newspaper prior to the date of the public hearing.
- **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** prior to the site walk. The applicant or representative should be available at the time of the site walk.
- **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 at the hearing.**  
**Failure to comply with these requirements may result in the likely postponement of your hearing.**

**NEW YORK CONSOLIDATED LAWS, TOWN LAW - TWN § 267-b**  
Requires than an applicant address the following standards in order to receive  
approval for an area or use variance

**Be prepared to address these standards at the Zoning Board of Appeals Hearing:**

**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.

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# Town of Pound Ridge

## CODE CONFORMANCE WORKSHEET

Date: \_\_\_\_\_

Owner/Applicant: \_\_\_\_\_ Address: \_\_\_\_\_ Block/Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

	EXISTING sq. ft. (footprint)	+ PROPOSED sq. ft. (footprint)	= TOTAL	DIVIDE TOTAL BY COVERAGE OF YOUR ZONING DISTRICT	% THRESHOLD
Principal Dwelling				Threshold Building Coverage: <input type="checkbox"/> R-1A = 2,600 sq. ft. <input type="checkbox"/> R-2A = 3,600 sq. ft. <input type="checkbox"/> R-3A = 4,500 sq. ft.	Multiply figure by 100 to obtain percentage.
Other Covered Structures					
<b>TOTAL BUILDING COVERAGE</b>					
<b>Total Building Coverage</b>				Threshold Lot Coverage: <input type="checkbox"/> R-1A = 7,000 sq. ft. <input type="checkbox"/> R-2A = 9,000 sq. ft. <input type="checkbox"/> R-3A = 12,000 sq. ft.	Multiply figure by 100 to obtain percentage
Driveway: (pervious & impervious)					
Other Structures: deck, patio, pool, tennis court, walkways					
<b>TOTAL LOT COVERAGE</b>					

\* If the % Threshold exceeds 100%, use this decimal figure to calculate increased minimum setbacks below.

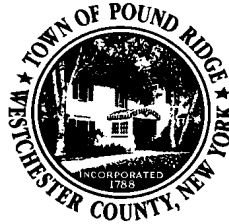
**Example:** if the “% Threshold” is 120%, & in an R-3A district, multiply each setback by 1.2 (1.2 x 60’ front yard = 72’ rounded up to 5’ increments = 75’)

	MINIMUM REQUIRED SETBACKS			EXISTING	PROPOSED	INCREASED MINIMUM SETBACKS (Minimum Required x % Threshold Rounded up to 5' increments) Plot these on the site plan.
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

Drifa Segal  
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, Drifa Segal, 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:

\_\_\_\_\_.

COMMENTS:

\_\_\_\_\_  
Drifa Segal  
Receiver of Taxes

**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

***NOTE: Submit completed form with list of abutters to the Zoning Board office prior  
to the Zoning Board meeting.***