

Zoning Board of Appeals  
Incorporated Village of Bayville

**Zoning Variance Application Instruction Sheet**

The application and all of the following documents must be submitted in TRIPLICATE. The Building Inspector of the Village will advise if a FOURTH (4<sup>th</sup>) set of documents is required to be referred by the Zoning Board of Appeals to the Nassau County Planning Commission. (see below for explanation)

1. APPLICATION: All questions **MUST** be answered. Any questions or information not applicable must be so noted as "N/A". The information provided should pertain only to matters concerning the applicant's request for the variance. The application must be properly signed and notarized.
  - a. A filing fee of \$300.00 must be submitted with each application.
  - b. In addition to the application fee, the applicant is liable for an shall pay all charges incurred by the Village in connection with the application in accordance with Section 80-89 of the Bayville Zoning Code. Such costs and disbursements shall include but are not limited to:
    1. Re-Publication Costs
    2. Engineering fees and inspection costs
    3. Counsel fees and costs and disbursements incurred by Counsel
    4. Stenographic and reproduction costs
    5. Consultant fees
    6. Document recording fees
  - c. The applicant must submit with the application an additional amount of \$500.00 to be placed on deposit from which payment of actual charges will be deducted. If the sum of \$500.00 is exceeded, the applicant shall deposit a further sum or sums on request of the Village Clerk. Any balance remaining on deposit will be refunded to the applicant.
  - d. The application fee and deposit amount shall be made payable by check or money order to THE INCORPORATED VILLAGE OF BAYVILLE.
2. COPY OF LETTER OF DENIAL: If the application concerns work to be done or work already accomplished for which a building permit is required, and the Building Department has issued you a letter of denial for said permit, this letter must be submitted with your application.
3. SURVEY: Must be up-to-date, prepared by a licensed surveyor. Survey or Plot Plan to be included with Item 4-Floor Plan (see below) to show:
  - a. existing and proposed structure(s);
  - b. existing and/or proposed front, side and rear yard setbacks and measurements;
  - c. location and dimension of driveway;
  - d. location of cesspool(s) and drywell(s) showing distance from nearest property line and main structures;
  - e. all existing and/or proposed projections or encroachments, showing distance from nearest property lines.
4. FLOOR PLAN (when applicable): Necessary when adding onto or altering existing structure or accessory building. These plans must be prepared by a licensed architect or professional engineer, drawn to scale and indicate all existing and proposed room dimensions.

5. RADIUS MAP: Must be drawn to scale and show the name, section, block and lot number(s) and lot dimensions, all of property owners within a two hundred foot (200') radius of the farthest outer perimeter of the subject property. (A sample radius map is included with this application to be used as a guideline; however, this sample is NOT to be used for submission by the applicant). On a separate sheet of paper, list the names and addresses of the property owners covered by this 200' radius.
6. A Short Environmental Assessment Form (attached to application) must be completed by each applicant and the form reviewed and signed by the Building Inspector of the Village.
7. A COPY OF THE FILED DEED IS REQUIRED WITH THE RETURN OF THE APPLICATION.
8. Please submit photographs of the property and surrounding area homes.

When the application has been received by the Zoning Board and all paperwork is found to be correct and in order and the requisite fees paid, the application will be calendared for public hearing. Hearings are generally scheduled for the last Wednesday of each month, provided there is sufficient time to publish the Notice of Public Hearing, which must be done two weeks in advance of the hearing. If the application is not received in time to meet this requirement, it will be put on for the following month. The Clerk of the Zoning Board will mail the applicant (or attorney) a copy of the Public Notice, as it will appear in the newspaper. A copy of this Notice must be mailed, certified mail, return receipt requested, to each name on the radius map listing, NO LATER than ten (10) days prior to the date of the hearing.

Once the mailing has been completed, the applicant (or attorney) must submit a duly executed and notarized Affidavit of Mailing (sample attached) at least 10 days prior to the hearing date, giving the name of the person who mailed the notices, the post office where they were mailed and the date they were mailed. The night of the hearing, the Clerk will request both the white mailing receipts and green return receipts for verification.

**NOTE:** If the application pertains to work already commenced, no further work is to be performed until the case is brought before the Zoning Board and a decision has been rendered. Please set forth on the application the date work was commenced, when it was halted or completed, and full details as to what work was done or is still to be done as of the date the application was submitted.

Each application is reviewed on its individual merits. The Zoning Board of Appeals has the right to approve, deny or amend any application presented to it for consideration. The filing fee and deposit amount will be refunded for any application the Zoning Board denies to hear.

Granting of Use or Area Variances or issuance of Special Use Permits are subject to the review of the Nassau County Planning Commission in accordance with Section 239-M of General Municipal Law, whenever the subject property is within 500 feet of any municipal boundary, County road or highway, County stream or drainage channel. The Commission shall recommend Approval, Modification, Disapproval or Local Jurisdiction of the proposed action.

INCORPORATED VILLAGE OF BAYVILLE  
34 SCHOOL STREET  
BAYVILLE, NY 11709  
(516) 628-1439

IN THE MATTER OF THE APPEAL OF:

DATE OF SUBMISSION: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_ BUSINESS TELEPHONE \_\_\_\_\_

ADDRESS OF PREMISES FOR WHICH APPLICATION IS BEING MADE:

SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_

(Refer to tax bill, contact Receiver of Taxes in Oyster Bay or Village Clerk in Bayville)  
.....

I hereby certify that all information submitted by me in this application is true to the best of my knowledge and ability.

\_\_\_\_\_  
(Signature of Applicant)

STATE OF NEW YORK)

: ss.:

COUNTY OF NASSAU )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared

\_\_\_\_\_, to me known, and known to me to be the

individual described in and who executed the foregoing instrument, and acknowledged

that \_\_\_\_\_ executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

ZONING BOARD OF APPEALS APPLICATION

1. Property is located in which District? (Please check one)

BUSINESS \_\_\_\_\_ AMUSEMENT \_\_\_\_\_ RESIDENTIAL \_\_\_\_\_

If Residential, please circle correct zone: (If unknown, contact Village Hall for proper zone, 516-628-1439).

B C D E F

2. Date title to this property was acquired \_\_\_\_\_.

3. Has present owner ever owned any adjacent or abutting property?

YES \_\_\_\_\_ NO \_\_\_\_\_

If "YES" to question #3 above:

A. Date acquired \_\_\_\_\_

B. If ownership of property has since been transferred, date of transfer \_\_\_\_\_

NOTE: If required, as in instances where single and separate ownership is an issue, a Chain of Title must be submitted in the form of either an attorney's affidavit or report of an accredited title company, showing single and separate ownership.

4. Have there been any previous applications by the present owner or applicant made to this or any other village board concerning this property?

YES \_\_\_\_\_ (give date) \_\_\_\_\_ NO \_\_\_\_\_

If "YES", what was the disposition of application? \_\_\_\_\_

\_\_\_\_\_

5. Under what Chapter(s), Article(s) and Paragraph(s) of the Code of the Village of Bayville is this application being made?

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Article \_\_\_\_\_ Paragraph \_\_\_\_\_



For AREA VARIANCE APPLICATIONS the following five (5) questions must be answered:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Is the requested area variance substantial? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Can the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is the alleged difficulty 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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For USE VARIANCE APPLICATIONS the following four (4) questions must be answered:

1. Can the applicant not realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

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2. Is the alleged hardship relating to the property in question unique, and it does not apply to a substantial portion of the district or neighborhood.

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3. Will the requested use variance, if granted, alter the essential character of the neighborhood? \_\_\_\_\_

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4. Was the alleged hardship self-created? \_\_\_\_\_

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**SPECIFICATIONS FOR MAIN STRUCTURE**

**CALCULATION WORKSHEET (Page 10) MUST BE ATTACHED**

(1) PRESENT/EXISTING    (2) PROPOSED/NEW    (3) TOTAL (1 & 2)

Square Footage of Lot (valuation from survey preferred)			
Square Footage, Main Floor (include attached garage, porch, chimneys and decks)			
Square Footage, Second Floor (include decks and balconies)			
Square Footage, Basement and crawl space			
Square Footage, Accessory buildings			
Percentage of Lot covered by Building & accessory buildings			
Height of Structure to top of ridge from curb or existing grade			N/A
Distance in feet to front lot line (from nearest exterior finished wall facing front of structure)			N/A
Distance from left side (as above)			N/A
Distance from right side (as above)			N/A
Distance from rear (as above)			N/A
F.A.R. (Floor Area Ratio)			N/A

NOTE: Decks lower than eighteen inches (18"), from finished floor of deck to grade, are excluded from area calculations. Refer to Section 80-60(D) of the Bayville Zoning Code for projections or encroachments that are to be included in Area calculations.

PRESENT USE OF MAIN STRUCTURE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**SPECIFICATIONS FOR ACCESSORY STRUCTURE**

**CALCULATION WORKSHEET (Page 10) MUST BE ATTACHED**

(1) PRESENT/EXISTING      (2) PROPOSED/NEW      (3) TOTAL (1 & 2)

Square Footage, Main Floor (include porch, chimneys)			
Square Footage, Second Floor (include decks and balconies)			
Square Footage, basement and crawl space			
Percentage of lot covered by accessory buildings and main structure			
Height of accessory structure to top of ridge from curb or existing grade			
Distance in feet from nearest exterior finished of structure to front lot line (facing front of structure)			
Distance from left side (as above)			
Distance from right side (as above)			
Distance from rear (as above)			
Distance from main structure			

PRESENT USE OF ACCESSORY STRUCTURE (if already existing): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CALCULATION SHEET SHOWING DERIVATION OF VALUES IN COLUMNS (1), (2) & (3)**

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>
			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>
			<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO  YES	YES  YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO  YES	YES  YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO  YES	YES  YES
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

SAMPLE ONLY
NOT TO BE SUBMITTED WITH APPLICATION

AFFIDAVIT OF SERVICE BY MAIL

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

(NAME), being duly sworn, deposes and says:

That on (DATE), I served the individuals on the attached listing at the addresses as shown on said listing, the Notice of Hearing for Case #Z- (fill in case #) as issued by the Zoning Board of Appeals of the Incorporated Village of Bayville, by depositing a true copy of said Hearing Notice which was enclosed in a post-paid, properly addressed envelope, with the notation, "Certified Mail, Return Receipt Requested", in an official depository under the exclusive care and custody of the United States Postal Service, which official depository is located at (Address of Post Office).

(Signature)

Sworn to me before this

Day of , 20

Notary Public

**AFFIDAVIT OF OWNERSHIP (NOT A CORPORATION)**

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

\_\_\_\_\_ being duly sworn, deposes and says that he resides at \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_; that he is the Owner "fee simple absolute" of \_\_\_\_\_, which is the subject premises described in the foregoing application, shown on the Nassau County Tax Map as: Section \_\_\_\_\_, Block \_\_\_\_\_, Lot(s) \_\_\_\_\_; that he has authorized \_\_\_\_\_ to make the foregoing application and that the statements of fact contained in the foregoing application are true.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Owner Signature

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

**AFFIDAVIT OF OWNERSHIP (CORPORATION)**

STATE OF NEW YORK)ss:  
COUNTY OF NASSAU )

\_\_\_\_\_ being duly sworn, deposes and says that he resides at \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_; that he is the Officer of \_\_\_\_\_, the Corporation which is the owner of the premises known as \_\_\_\_\_, also described as: Section \_\_\_\_\_, Block \_\_\_\_\_, Lot(s) \_\_\_\_\_, on the Nassau County Tax Map; that has been authorized by the Board of Directors of said Corporation to make the foregoing application; and that the statements of fact contained in the foregoing application are true.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Owner Signature

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



**Permission to Inspect Property**

"I hereby authorize: the members of the Board of Appeals, the Building Inspector of the Village, and/or the Village Engineer, to enter upon and inspect my property located at:

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upon reasonable notice given, and when I am present, prior to the Board of Appeals rendering a determination with regard to this application."

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Property Owner