

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

Village/Town of Mount Kisco
Municipal Building
104 Main Street, Mt. Kisco, NY 10549

Zoning Board of Appeals
Application

Appellant: _____

Address: _____

Address of subject property (if different): _____

Appellant's relationship to subject property: ____ Owner ____ Lessee ____ Other

Property owner (if different): _____

Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, _____ dated _____. Application is hereby made for the following:

_____ Variation **or** _____ Interpretation of Section _____ of the Code of the Village/Town of Mount Kisco,

to permit the: ____ Erection; ____ Alteration; ____ Conversion; ____ Maintenance of _____

_____ in accordance with plans filed on (date) _____

for Property ID # _____ located in the _____ Zoning District.

The subject premises is situated on the _____ side of (street) _____

_____ in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes/No _____

(If on two streets, give both street names) _____

Type of Variance sought: ____ Use ____ Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? _____

Is there an approved site plan for this property? _____ in connection with a _____ Proposed or _____ Existing building; erected (yr.) _____

Size of Lot: _____ feet wide _____ feet deep Area _____

Size of Building: at street level _____ feet wide _____ feet deep

Height of building: _____ Present use of building: _____

Does this building contain a nonconforming use? _____ Please identify and explain: _____

Is this building classified as a non-complying use? _____ Please identify and explain: _____

Has any previous application or appeal been filed with this Board for these premises? Yes/No? _____

Was a variance ever granted for this property? _____ If so, please identify and explain: _____

Are there any violations pending against this property? _____ If so, please identify and explain: _____

Has a Work Stop Order or Appearance Ticket been served relative to this matter? _____ Yes or _____ No Date of Issue: _____

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? _____

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on _____ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

* Optional - As Needed

I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.

(Appellant to sign here)

Sworn to before me this day of: _____, 20_____

Notary Public, _____, County, NY

[TO BE COMPLETED IF APPELLANT IS NOT THE PROPERTY OWNER IN FEE]

State of New York }
County of Westchester } ss

Being duly sworn, deposes and say that he resides at _____ in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number _____ and that he hereby authorized _____ to make the annexed application in his behalf and that the statements contained in said application are true.

(sign here)

**THE JOURNAL NEWS
NORTHERN EDITION**

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ORDER FOR LEGAL NOTICES

The attached legal notice is to run in The Journal News, Northern Edition, started with the issue dated _____ for a total of 1 insertion.

BILL TO: _____

ADDRESS: _____

PHONE #: _____

Please send **Affidavits of Publication** to:

Number of proof – 3

**Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549
Attention: Michelle Russo, Secretary ZBA**

Signed: _____

Legal Advertising must be reserved by 5:00 p.m. on the fourth day in advance of publication date, and must be in this office by 12:00 noon on the third day in advance of publication date. Sundays and Holidays excluded.

When sending legal notices by mail to The Journal News, please specify on the envelope:

Legal Advertising Department

To avoid errors, notices should be typed double space on separate sheets of paper.

Three affidavits will be furnished unless otherwise specified. Proof will be furnished upon request.

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the _____ day of _____ 20____ at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

(Name of Applicant)

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated _____
(Date of Denial Letter)
denying the application dated to permit the _____.
(Proposed Work)

The property involved is known as _____
(Address of Property)

and described on the Village Tax Map as Section _____ Block _____ Lot _____
and is located on the _____ side of _____ in a
east/west/n/s (Street Name)

_____ Zoning District. Said Appeal is being made to obtain a
variance from Section(s) _____ of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires _____

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

REVISION TO STATE ZONING LAWS ENACTED

The rules governing the issuance of area variances have not been as clearly established by the Court as those for use variances. New Town Law, Section 267-b(3)- and Village Law, Section 7-712 (b) (3) establish a new, statutory process for the granting of area variances. There is no “test” as such for granting of area variances. The requirement that the applicant show “practical difficulty” or “significant economic injury” is gone. Instead, when an applicant requests an area variance, the new law requires the Board of Appeals to balance two elements: the benefit to the applicant from the variance, and the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance was to be granted.

The provision set forth five factors for the Board to consider in balancing these interests.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- (3) Whether the requested 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.
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance).