

ZBA APPLICATION PROCEDURES

If you wish to appeal a “Notice of Denial” from the Building Inspector regarding a zoning matter, you must give written notice of your intention to do so and submit the required application and documents within 60 days of the issuance of the denial.

The following documents must be submitted to the Building Department at least 21 days in advance a scheduled Zoning Board meeting:

1. **Written notice of your intent to appeal a Notice of Denial** – this is a letter to the Chairman of the Zoning Board of Appeals indicating that you intend to appeal a Notice of Denial that has been issued by the Building Inspector and you would like to request a public hearing on the matter.
2. **ZBA Application** - A completed, originally signed and notarized ZBA Application (Pages 1-4)
3. **Statement of principal points.** This is the key document that you create wherein you thoroughly and methodically state your case to the Zoning Board as to why or on what basis you feel that the zoning regulation(s) cited in the Notice of Denial should be varied for your proposed action. The basic criterion (five factors) the Board must consider during an appeal hearing is enclosed for your reference (Page 8).
4. **Create a Public Notice:** Use the enclosed worksheet as a model and fill in the blanks with the appropriate information. You will find most of the information you need to complete this worksheet within the text of the Notice of Denial letter. Please submit a **re-typed** Public Notice with your application, not the hand written, filled-in worksheet (Page 7).
5. **Publish the Public Notice:** You must submit a copy of the Public Notice to the Village’s official newspaper of record for its **required publication to appear in the newspaper at least 15 days in advance of the public hearing.** A cover form to be submitted with the notice to the newspaper is provided for your use. **An originally signed and notarized Affidavit of Publication** from the newspaper must be submitted before the meeting (Page 5).
6. **Mail the Public Notice:** You must mail a copy of the Public Notice you created to all the property owners **within 300 feet** of the subject property at least 10 days prior to the meeting date. A map and mailing list may be obtained from the Village Assessor’s Office. **The map and mailing list must be submitted with your application.**
7. **Affidavit of Mailing:** An originally signed and notarized Affidavit of Mailing that you have mailed a copy of the Public Notice you created to all the property owners within 300 feet of the subject property must be submitted with your application. A blank Affidavit of Mailing form is enclosed (Page 6).
8. Ten copies of **your site plan, plat or as-built drawings, professionally signed and sealed as required.**
9. **A copy of your deed and any legal attachments.**

10. **Any photos, records, letters or other documents** (10 copies) that you feel would further support your appeal.
11. **Application fee** – (please make checks payable to the Village/Town of Mount Kisco)
 - Zoning Code Interpretations \$ 0.00
 - Sign Variance Application Fee \$130.00
 - Single Family Application Fee \$130.00
 - Two-Four Family Dwelling Application Fee \$250.00
 - Commercial/Multi-Family (Exceeding 4 Dwellings Units) \$500.00

You and/or your designated representative must appear at the scheduled public hearing (ZBA meeting) to present your case and discuss its elements with the Zoning Board. As the term implies, the public is invited to offer oral and/or written comment regarding your appeal during the public hearing. You or your designee will be asked to orally present your case, answer any questions and enter into the record any additional evidence you may wish to present.

You must understand that this action is a formal appeal process and it is possible that the public hearing may continue beyond the first meeting date, depending on the issues. The Zoning Board may request additional information to be provided by you, by their legal counsel, by Village staff or other Village Boards to assist with their review of your appeal application. Any such additional information must be duly submitted at least **10 days** in advance of any hearing continuation date in order to be reviewed and discussed at that subsequent meeting.

Upon closure of the public hearing, the Board must deliberate the case and make its findings in a timely fashion.

If you have any questions, please feel free to contact me or our staff.

John H. Landi
Building Inspector