VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for Variance/Interpretation/View Preservation

1. File two (2) completed Applications for Variance, Interpretation or View Preservation Approval, each with original signatures and notarization and nine (9) copies, with the Office of the Building Inspector, no less than six (6) weeks prior to scheduled ZBA meeting.

2. Application must be complete with all plans, diagrams, surveys, photographs, etc. as necessary to fully describe requested variance/s and compelling reasons for non-conformity with the zoning regulations.

3. Pay an application fee as per following fee schedule:

• Single family residence	$ 200.00	$ 250.00*
• Two family residence	$ 250.00	$ 300.00*
• Multiple family residence	$ 300.00	$ 400.00*
• Commercial, apartment & office buildings	$ 500.00	$ 600.00*
• Industry, subdivision, land development, etc.	$1000.00	$1200.00*

*For Variances/ZBA action for illegal construction

4. Upon receipt of the application and prescribed fee, Office of the Building Inspector will prepare a legal notice describing the variance and submit the notice to an official newspaper for publication.

5. Office of the Building Inspector will prepare a mailing list of all neighbors within a 300 foot radius (500 feet if deemed necessary by the Building Inspector) of the subject property and make it available to the applicant no less than 3 weeks prior to the ZBA meeting

6. The applicant must pick up copies of the legal notice and mailing list in a timely manner so as to be able to do the following:
   - Either mail copies of the legal notice to neighbors on the mailing list by certified mail/return receipt requested or any other method of delivery providing proof of delivery no later than 14 days prior to the ZBA meeting
   - Or hand deliver copies of the legal notice no later than 10 days prior to the ZBA meeting.

7. **<u>No later that one (1) week prior to the ZBA meeting</u>** submit the following to the Office of the Building Inspector:
   - Proof of mailing and and supporting documentation or
   - The mailing list with dates and initials of recipients and a notarized affidavit stating:

     I, _____ fill in your name _____, do hereby swear that all the legal notices were hand delivered to the people on this mailing list on _____ fill in the date _____ and that the signatures/initials of the recipients are authentic.

8. The applicant or his/her authorized representative must appear before the ZBA on the scheduled meeting date to present his/her case, enter into record any additional evidence, and answer any questions.

Submit nine (9) copies of the application along with required fee, 9 copies of property survey showing the existing and proposed construction and 9 copies of all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) to the Office of the Building Inspector, no less than six (6) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for Variance/Interpretation/View Preservation

Case number:.....Date of application:.....

Property owner:.....

Property address:.....

Name all streets on which the property is located:.....

Sheet:.....Block: .....Lot/Parcel: .....Zoning District: .....

Applicant:.....

Standing of applicant if not owner:.....

Address:.....

Daytime phone number: .....Fax number: .....

E-mail address:.....

ZBA action requested for (See §295-146B & C : ☐ Use Variance/s; ☐ Area Variance/s; ☐ Interpretation; ☐ View Preservation (See §295-82)

List code sections & provisions from which the variance or interpretation is requested:

Section*	Code Provision*	Existing Condition*	Proposed Condition*
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

*See example below:

....295-68F.1a...	.....Front Yard Min. 30 ft. deep.....	.....26.5 ft.....	.....19.5 ft.....
...295-68A.....	.....Permitted Principal Use.	.....Single Family Home.....	.....Conversion to Dental Office.....

VILLAGE OF HASTINGS-ON-HUDSON
Zoning Board of Appeals
Zoning Analysis

ZONING REQUIREMENTS:

YARD SETBACKS (Principal Structure)

	REQUIRED	EXISTING	PROPOSED
FRONT	.....	.....	.....
REAR	.....	.....	.....
SIDE ONE	.....	.....	.....
SIDE TWO	.....	.....	.....
TOTAL OF TWO SIDES	.....	.....	.....

YARD SETBACKS (Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.	.....	.....	.....
REAR	.....	.....	.....
SIDE	.....	.....	.....

BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	.....	.....	.....
FEET	.....	.....	.....

LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	.....	.....	.....
BLDG. COVERAGE/ % OF LOT AREA	.....	.....	.....
DEVELOPMENT COVERAGE / % OF LOT AREA	.....	.....	.....

*See Definitions of Building and Development Coverage in Section 295-5 of the Village code.

OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	.....	.....	.....

** Single Family, Two Family, Commercial, Mixed Use etc.

- List any previous application or appeal filed with The Zoning Board of Appeals for this premises:

Date of Appeal	Purpose of the Appeal	Resolution if any	Date of Action
.....	.....	.....	.....
.....	.....	.....	.....

- List pending violations on this property if any:

.....

.....

- Is there an approved site plan for this property?: ..... ☐ ...(Yes) ..... ☐ ...(No)
- Is there an Accessory Apartment at this property?: ..... ☐ ...(Yes) ..... ☐ ...(No)
- Does this property have Boarder's Permit?: ..... ☐ ...(Yes) ..... ☐ ...(No)
- On a separate typewritten sheet of paper, state the principal points on which you are making this application. Describe the construction, addition or alteration that requires the variance. Explain why a variance is necessary and demonstrate how the variance satisfies the criteria for the type of variance (use or area) sought. The criteria for the two types of variances are attached. (If an interpretation is sought, explain the issue. If you wish you may also state your argument for how the issue should be resolved.)

Submit nine (9) copies of the application along with the required fee, 8 copies of property survey showing the existing and proposed construction and 8 copies of all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) to the Office of the Building Inspector, no less than six (6) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.:

I hereby depose and say that all of the above statements and statements contained in all papers I have submitted in connection with this application are true:

_____
Applicant

Sworn to before me this _____ day
of _____ , 200_

_____
Notary Public

STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF HASTINGS ON HUDSON

Name : _____ , being duly sworn, deposes and says that he/she resides at _____ in the Village of Hastings-on-Hudson in the County of Westchester, in the State of New York, that he/she is the owner of all that certain lot, parcel of land, in fee, lying and being in the Village of Hastings-on-Hudson aforesaid and known and designated as Sheet _____ Block _____ and Lot _____ of the tax map, and that he/she hereby authorized _____ to make the annexed application in his/her behalf and that the statement of fact contained in said application are true.

_____
Owner

SWORN TO BEFORE ME THIS _____DAY
OF_____200__

_____
Notary Public

NOTICE

This application will not be accepted for filing unless accompanied by all necessary papers, plans and data, in accordance with the foregoing and as required by law.

§ 295-146. Variances.

A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with enforcement of this chapter, shall have the power to grant use variances and area variances, as defined herein.

B. Use variances.

1) "Use variance" shall mean the authorization by the Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.

2) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and

d. The alleged hardship has not been self-created.

3) The Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area variances.

1) "Area variance" shall mean the authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

2) In determining whether to grant an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
c. Whether the requested area variance is substantial.
d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

3) The Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 295-82. View Preservation (VP) Districts

A. Principal and accessory uses. Subject to the provisions of Subsection **C** below, the permitted principal and accessory uses for any lot or parcel in a VP District shall be the same as otherwise permitted in the district in which the lot or parcel is located.

C. Approval by Planning Board and Board of Appeals.

(1) No building or structure shall be erected, altered, enlarged or moved in the district unless approved in accordance with the provisions of this section.

(2) Every application to permit the erection or exterior alteration of a building or structure in a VP District shall be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting, dimensions and configuration of principal and accessory structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way. The Planning Board shall issue its report and recommendations within 60 days after receipt of the application.

(3) After approval by the Planning Board, the plan for erection or exterior alteration of the building or structure shall be referred to the Board of Appeals, which shall conduct a public hearing on the plan. The Board of Appeals shall hold the hearing and render its decision within 60 days after the referral by the Planning Board.

(4) Joint notice of both the Planning Board meeting at which the application is to be considered and the Board of Appeals public hearing on the application shall be given at least 14 days before the Planning Board meeting. Notice shall be given as required in § **295-143C**. In addition, notice shall be given to the Architectural Review Board and shall be published in a newspaper of general circulation in the Village not less than 10 days before both the Planning Board meeting and the Board of Appeals hearing.