

Please read the "Land Use and Zoning Regulations" booklet

Zoning Board of Appeals
Incorporated Village of East Hampton
www.easthamptonvillage.org

APPLICATION FOR:

AREA VARIANCE _____
USE VARIANCE _____
APPEAL OF BUILDING INSPECTOR'S INTERPRETATION _____
INTERPRETATION REQUEST BY LOCAL AGENCY _____

APPLICANT

Name _____
Mailing Address _____
Telephone _____

OWNER (if different)

Name _____
Mailing Address _____
Telephone _____

____ Letter of owner's authorization attached if application submitted by an agent

APPLICANTS ATTORNEY OR AGENT

Name _____
Mailing Address _____
Telephone _____

ENCLOSURES

Fee \$500 _____
Survey _____
Building Plans _____
Pool Plans _____
Tennis Court Plans _____
10 copies all plans _____
Certificate of Occupancy w/Survey _____

APPLICANTS SURVEYOR/ENGINEER

Name _____
Mailing Address _____
Telephone _____

LOCATION OF PROPERTY

Street (including house number)

Zoning District _____

See Also:

- Chapter 101, Coastal Hazard Erosion Area
- Chapter 124, Preservation of Dunes
- Chapter 160, Flood Damage Prevention
- Chapter 163, Freshwater Wetlands
- Chapter 176, Preservation of Historic Areas
- Chapter 188, Outdoor Lighting
- Chapter 252, Subdivision of Land
- Chapter 278, Zoning, Section 278-7D Special Permits (includes lots with more than one residence)

Suffolk County Tax Map Number: District 301 Section _____ Block _____ Lot _____

PROJECT INFORMATION (EAF SHORT FORM, PART 1)

1. Describe project briefly: _____

2. Is proposed action: New _____ Expansion _____ Modification _____

3. Date property acquired : _____ From Whom: _____

4. Describe existing conditions: _____

5. Describe proposed conditions: _____

6. Anticipated construction time: _____

7. Will construction be phased? Yes ___ No ___

8. If multi-phased:

a. Number of phases: _____

b. Date of commencement: _____

c. Final phase completion (approximate): _____

d. Is first phase functionally dependent on subsequent phases? Yes ___ No ___

9. Amount of land affected:

Initially _____ Ultimately _____

10. Will proposed action comply with existing zoning or other existing land use restrictions? Yes ___ No ___

If no, describe briefly: _____

11. What is present land use in vicinity of project?

Residential _____ Industrial _____ Commercial _____ Agricultural _____
Park/Forest/Open space _____ Other (describe): _____

12. Does action involve a permit approval now or ultimately from any other agency? If yes, list agency(s) and permit/approval Yes ___ No ___

13. Does any aspect of the action have a currently valid permit or approval? Yes ___ No ___

14. As a result of proposed action will existing permit/approval require modification? Yes ___ No ___

ELEMENTS OF A COMPLETE SUBMISSION

Processing this application requires the preparation of a complete and adequate notice which is facilitated by the submission of a complete application. Submission of a complete application is the responsibility of the applicant and necessitates that the applicant:

1. identify all pertinent requirements of the Code
 2. demonstrate compliance or request relief from all applicable requirements, and
 3. when requesting relief:
- ◆ properly identify the Section from which relief is sought
 - ◆ demonstrate the requirement of that Section in the application and supporting documents
and
 - ◆ accurately represent both existing and proposed conditions.

Each application shall include 10 copies of a recent survey prepared by a licensed surveyor showing **ALL** existing uses, buildings and structures; property lines with bearings and distances; building envelopes and setback lines; relationship of improvements to those of adjoining property; easements; driveways and their composition; landscaping and fencing **AND** shall clearly distinguish between those currently existing and those proposed as they relate to the requirements of the Code. Additional information may include the location of the water supply; discharge systems; test hole with depth to ground water; dimensions and offsets as necessary and the current Certificate of Occupancy and corresponding survey.

All submissions and correspondence are to be directed to:

Zoning Board of Appeals
Village of East Hampton
86 Main Street
East Hampton, NY 11937

Existing Lot Area and minimum lot area requirement in square feet is required for all area variance applications. Building plans shall include dimensioned floor plans and elevations drawn to scale indicating door and window locations and room use; shall include gross floor area of each level, and; shall clearly distinguish between existing and proposed conditions.

To assist the applicant in the instance of area variances for residential properties with respect § 278-3, area and height regulations, and other pertinent requirements, the following information should be clearly depicted on the survey and building plans:

Section 278-3 A. (1) Applications for lot area variances shall include the proposed lot area in square feet and a demonstration of compliance or noncompliance with all applicable provisions of Section 278-3. The use of land in a commercial or manufacturing-industrial district for a specified residence district use is permissible, provided that the area, setback, coverage and height requirements of Residence District R-20 are adhered to for a dwelling, and provided that the area, setback, coverage and height requirements of Residence District R-160 are adhered to for any other use as set forth in Section 278-3 A. (8).

Section 278-3 A. (2) & (3) Front, Side and Rear Yard Setbacks shall be depicted on the survey as a building envelope created by lines parallel or concentric to property lines. Note that the definition of Lot Line, Front in Section 278- 1 A, allows the property owner to designate the Front Lot Line in the instance of flag lots. Offsets shall be provided for existing and proposed buildings or structures lying outside of the building envelope denoting the shortest distance to adjoining property lines. Where the use of the relief provisions of this Section are proposed, calculation of the relief setback shall be shown on the survey. In the instance of irregularly shaped parcels, the submission shall include the survey with a diagram as well.

Section 278-3 A. (4) Ocean dune setbacks. The survey shall include the Coastal Hazard Erosion Line as referenced to in Chapter 101 and noted in Section 278-3 A. (8) and topographic contours as set forth in Chapter 124, Preservation of Dunes, as well as parallel or concentric lines denoting the required setbacks. Offsets shall be provided for existing or proposed non-compliant buildings or structures indicating the shortest distance from Coastal Hazard Erosion Line and topographic contours to proposed improvements.

Section 278-3 A. (5) Freshwater wetland setbacks. The survey shall show the edge of wetlands as identified by the Village of East Hampton as well as parallel or concentric lines denoting the required setbacks of 200 feet for discharge systems, 150 feet for structures and 125 feet for clearing or landscaping. The location of all existing and proposed discharge systems shall be shown on the survey. Test holes to ground water are required for all projects where new structures are proposed below grade. In these instances, the location of the test hole and test hole data, including depth to ground water, shall be shown on the survey. Applications proposing new or upgraded sanitary systems require a cross-section diagram showing ground water elevation, the elevation of the bottom of the leeching pools, the elevation of the existing grade and the elevation of the proposed grades. Projects involving a change in grade shall require existing and proposed topographic information, calculation of fill and shall demonstrate changes in existing drainage patterns and mitigation. The survey shall show the existing limits of clearing and/or edge of lawn or fertilized area. Offsets shall be provided for all existing or proposed non-compliant buildings or structures, clearing and landscaping indicating the shortest distance to the edge of wetlands. The survey shall also indicate the Flood Zone and Flood Zone Elevation.

Section 278-3 A. (6) The survey shall show the maximum permitted coverage for all structures on any lot or parcel of land in a residential district of 20% of the lot area plus 500 square feet exclusive of driveways, the existing coverage, and where the project results in a change, the proposed coverage. For properties in the Commercial, or Manufacturing - Industrial District the survey shall show the maximum permitted coverage of 60%, the existing coverage, and where the project results in a change, the proposed coverage. For properties in the Core Commercial District the survey shall show the maximum permitted coverage of 80%, the existing coverage, and, where the project results in a change, the proposed coverage.

Section 278-3 A. (7) Minimum building line width in the instance of subdivision and lot line modification applications. Where the minimum lot width requirement cannot be met, the survey shall show the required minimum building line width and the proposed building line width.

Section 278-3 A. (8) For applications involving a property lying in more than one zoning district, the survey shall show the zoning district boundary and identify the zoning districts. The use of land in a commercial or manufacturing-industrial district for a specified residence district use is permissible, provided that the area, setback, coverage and height requirements of Residence District R-20 are adhered to for a dwelling, and provided that the area, setback, coverage and height requirements of Residence District R-160 are adhered to for any other use as set forth in Section 278-3 A. (8).

Section 278-3 A (9) In the instance of all variance applications involving residential uses, the survey shall include a calculation of the permitted and existing Total Gross Floor Area of all principle uses in accordance with the definition of Gross Floor Area found in Section 278-1 A. A floor plan and cross-section diagram are required for levels where this calculation includes spaces with ceiling heights of less than five feet. Floor plans and calculations of gross floor area of each building level with cross-section diagrams as noted above are required for all area variance applications from this section.

Section 278-3 A. (10) In the instance of area variances applications involving commercial buildings in all zoning districts, the survey shall demonstrate the permitted, existing and proposed building footprint in accordance with the requirements of this Section of the Code.

Section 278-3 B. Height regulations. All applications for area variances from this Section shall include building plans which demonstrate the permitted, existing and proposed height and pitch expressed as inches of rise over inches of run as measured from the average existing natural ground level within 10 feet of the building to the highest point of the roof or of any other structure on the roof, except chimneys.

Section 278-3 C. Lighting. There shall be no lighting of private tennis courts or private basketball courts within the residential areas of the Village.

Section 278-3 D. Accessory buildings. All area variance applications involving residential uses shall include a calculation of the permitted and existing Total Gross Floor Area of all accessory buildings in accordance with the definition of Gross Floor Area found in Section 278-1 A on the survey. A floor plan and cross-section diagram are required for levels where this calculation includes spaces with ceiling heights of less than five feet. Floor plans identifying the existing and proposed use and calculations of gross floor area of each building level with cross-section diagrams as noted above are required for all area variance applications for area variances from this section.

Section 278-3 E. Transitional yards and screening. All applications for variances from the provisions of this Section shall include a calculation of the required setback based upon the area of adjoining parcels and clearly indicate the required setback. Offsets shall be provided for existing or proposed buildings or structures lying outside of the building envelope denoting the shortest distance to adjoining property lines.

Section 278-3 F. On-site parking requirements for residential uses. Every lot used for a residential use shall provide on-site parking for a minimum of two vehicles.

AREA VARIANCE -- the authorization by the Board of Appeals for the use of land which is not allowed by the dimensional or physical requirements of this chapter.

An Area Variance (lot area, width, setback, height, coverage, etc.) of the Zoning Ordinance is requested of Section _____ in order to _____

To comply with the requirements of the Zoning Law, please address each of the five standards listed below.

1. 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;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area 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; and
5. Whether the alleged difficulty was self-created.

USE VARIANCE -- the authorization by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Chapter.

A Use Variance (for use of property other than that which ordinance allows in zoning district) of Section _____ is requested in order to

In order to comply with the requirements of the Zoning Law, using attachments as necessary, please narrate how your USE VARIANCE request satisfies each of the following:

1. Applicable zoning regulations and restrictions cause unnecessary hardship;
2. The applicant cannot realize a reasonable return and the lack of return is substantial as demonstrated by competent financial evidence;
3. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
4. The requested use variance, if granted, will not alter the essential character of the neighborhood;
and
5. The alleged hardship has not been self-created.

APPEALS. Applications brought by aggrieved persons from interpretations of provisions of this chapter made by the Building Inspector or from other determinations made by him.

INTERPRETATIONS. Applications brought directly to the Board of Appeals by any local agency for interpretations of provisions of this chapter.

PLEASE ATTACH ANY ADDITIONAL INFORMATION THAT YOU FEEL WILL HELP TO CLARIFY YOUR PROJECT

STATE OF NEW YORK)

ss:

COUNTY OF SUFFOLK)

_____ being duly sworn, deposes and says he or she is the owner or agent for the owner of the property described above. That all statements made in this application are true to the best of his or her knowledge and belief, except as to matters therein stated to be alleged on information and belief and as to the matters he or she believes the same to be true.

The undersigned hereby requests an Area/Use Variance, Appeal or Interpretation in accordance with the provisions of Chapter 278 - Zoning of the Village Code.

Signature

Sworn to before me this ___ day of _____

Notary Public