



Zoning Board of Appeals
 City of Yonkers
 87 Nepperhan Avenue, 5th floor
 Yonkers, NY 10701
 ZBAPublic@YonkersNY.gov
 914-377-6535

	Item/Exhibit	✓
	<p><i>*All below items due 22 calendar days before scheduled meeting in order to be placed on the Agenda* please see website for deadlines/dates</i></p> <p style="text-align: center;">ONE (1) DIGITAL COPY OF THE CASE (FLASH DRIVE/DISK) MUST BE SUBMITTED AS WELL AS FOUR (4) HARD COPIES (COLLATED)</p>	
1	Application form (white sheet (enclosed))	
2	Notarized Letter of Authorization (Allowing representative to file and present on behalf of the owner and/or applicant)	
3	Principal Points (based on points of law-NY Planning Federation sheet (enclosed))	
4	Fee \$ _____ rct# _____ (\$350 (per lot) for 1 or 2 family dwelling; \$1500 (per lot) all other)	
5	Objection (Building Application Review from DHB) *Application MUST be filed with DHB at least 4 weeks before ZBA deadline.	
6	Up to Date Certificate of Occupancy - if available	
7	Area Map (<u>200 foot radius/buffer from corners</u> around variance location or 400ft. radius for motor fuel filling stations in B, BA, or CM zones)	
8	Photos (of proposed variance location and surrounding properties and neighborhood) minimum of 8 photos (sides, rear, front, surrounding areas)	
9	List of Property Owners mailing addresses & location of property owned within a <u>200 foot radius/buffer</u> around variance location or 400 ft. radius for motor fuel filling stations in B, BA, or CM zones) *can be obtained from Yonkers IMO or Westchester County GIS	
10	Submission of Documents (enclosed) w/notarized affidavit.	
11	Survey of property	
12	Plans (Drawings of Structure with Plot Plan)	
13	EAF if applicable according to Planning Board standards	
	<p>**Items below to be submitted at least 10 calendar days before scheduled meeting** (Chapter 43, Article XI, 43-144D)</p> <p style="text-align: center;">ONE DIGITAL COPY (FLASH DRIVE/DISK/EMAIL) MUST BE SUBMITTED</p>	
14	Notice Served to the above (sample enclosed) *Mailings should not be prepared or sent until Agenda date has been confirmed by the ZBA clerk	
15	Post Office Receipts Certified or Registered Mail – returned receipt not required (form enclosed)	
16	Proof of Service (enclosed) notarized	
17	Sign Posted (Chapter 43, Article XI, 43-144E and Article XII, 43-156) *DIGITAL SIGN WILL BE EMAILED	



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Notes:

1. Please be advised a Building Application shall be filed and a Building Application Review must be issued before a ZBA application will be considered. This is so we know what variances are being requested. This application must be submitted at least 4 weeks before the ZBA deadline.
2. Please be advised, there is a limit of 6 new cases accepted per month, per agenda. Please submit at your earliest convenience to secure a space on the agenda; however, there is no guarantee.
3. **Complete Digital** package may be submitted before the 22 day deadline to reserve a space on the agenda. All applications must be received by 3:00pm the day of the deadline in order to keep your case on the agenda.
4. No decision will be made the same night as original meeting. Decisions are scheduled at a subsequent meeting as per the discretion of the Chairperson.
5. Resolution letters/Special Conditions will be emailed, as well as mailed (original), about 3-4 weeks after the meeting. Minutes must be received and processed.
6. Please note, this is a public hearing in front of a Board, please dress appropriately. Professional attire is required.
7. Questions:
General Application Questions: 914-377-6535
Technical/Code/Zoning Questions: 914-377-6522 or 6506
8. The plans must list YONKERS, NY as the location of subject property.
9. All plans must bear the seal of a registered architect or licensed professional engineer.
10. Please be advised that building permit applications requiring area or parking variances must clearly show for each such variance needed, the "required" setback or standard, as well as the actual "proposed" setback, on a dimensioned site plan.
11. All supplementary paperwork requested as per the Board, must be submitted at least 10 days before the next meeting.

City of Yonkers
Department of Housing and Buildings
Zoning Board of Appeals
Application Form

1. Property Location (Tax Address) _____ Block ____ Lot ____

2. Building Permit Application# _____ Objection Dated: _____

3. Applicant/Owner: _____

Address _____ City _____ Zip _____

Phone _____ Email _____

4. Lessee (if applicable): _____

Address _____ City _____ Zip _____

Phone _____ Email _____

5. Representative (Attorney/Engineer, etc.): _____

Address _____ City _____ Zip _____

Phone _____ Email _____

6. The above described property was acquired on (date) _____

7. Number of affected property owners notified by mail _____

8. Description of the proposed project requiring Variance: _____

9. Type of Variance requested: (please circle) *Use Variance* *Area Variance*
Improvement to a Non-Conforming Use *Intensification of a Non-Conforming Use*
Appeal from a Interpretation/Decision/Order of the Commissioner of Buildings

10. Size at street level: Feet Front ____, Feet Deep ____, Height ____ ft., # Stories ____

11. Is this property within 500 feet from a municipal boundary? [] yes [] no

If yes, which municipality? _____

12. Is this property within 500 feet from a State or County park/recreation area, right of way/road, drainage channel, land/public building/institution, farm? [] yes [] no

If yes, explain? _____

Owner/Applicant/Representative Signature

***New York Planning Federation
44 Central Avenue
Albany, NY 12206
800-366-6973***

**Summary of
AREA VARIANCE CRITERIA
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Balancing test- Board of Appeals shall balance benefit to applicant with detriment to health, safety and welfare of the community.

Board of Appeals shall also consider:

- ✓ Whether benefit can be achieved by other means feasible to applicant
- ✓ Undesirable change in neighborhood character or to nearby properties
- ✓ Whether request is substantial
- ✓ Whether request will have adverse physical or environmental effects
- ✓ Whether alleged difficulty is self-created

If approved shall grant minimum variance necessary and may impose reasonable conditions.

**Summary of
USE VARIANCE CRITERIA
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To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board – *unnecessary hardship*.

Such demonstration includes all of the following, for each and every permitted use.

1. Can not realize a reasonable return – substantial as shown by competent financial evidence
2. Alleged hardship is unique and does not apply to substantial portion of the district or neighborhood
3. Requested variance will not alter essential character of the neighborhood
4. Alleged hardship has not been self-created

If approved shall grant minimum variance necessary and may impose reasonable conditions.

****also used for Non-Conforming Use & Extension or Intensification to Non-Conforming Use***

Zoning Notice

PLEASE TAKE NOTICE:

That an application has been made by _____,
of _____, phone # _____,
on behalf of (name, address, phone#) _____,
For a hearing before the Zoning Board of Appeals for a Variance under the provisions of the
Zoning Ordinance, City of Yonkers General Ordinance 4-2000 as amended, as follows:
(include brief description of variance & attach copy of DHB denial) _____

On premises known as _____
Block _____ Lot _____ and this notice is sent to you as an owner of property
affected by the applicant. This application is now on the Zoning Board of Appeals agenda,
which will be called _____ at _____, sharp in the Council Chambers,
4th floor, City Hall, Yonkers, NY.

If desired, you may appear either in person, or by agent or your attorney, and present any verbal
and/or written comments or objections which you have for the granting or non-granting of this
petition. You may, between the time you receive this notice and before the meeting, email your
comments to the Zoning Board of Appeals, http://yonkers.seamlessdocs.com/f/ZBA_Comment, as
well as appear at the meeting.

All objections or comments could be subject to verification and the person or persons may be
asked to describe the property he or she owns as to lot and block number and may be required
by the Board to make an affidavit of ownership. All persons may be sworn to an oath of truth if
required by the Board.

RESPECTFULLY,

Signature

Dated

Applicant Name - **Print clearly**

Address

Phone #

*This notice is sent to you by the applicant by order of the Zoning Board of Appeals for the
above referenced property; as it is a requirement of the Zoning Code (Section 43-144D) to
notify the surrounding property owners.

Submission of Documents

UPON SUBMITTAL, ONE (1) DIGITAL COPY OF THE CASE (FLASH DRIVE/DISK) MUST BE INCLUDED, AS WELL AS FOUR (4) HARD COPIES (COLLATED)

	Item	✓
1	Application Form	
2	Notarized Letter of Authorization	
3	Principal Points	
4	Fee	
5	Objection	
6	Certificate of Occupancy	
7	Area Map	
8	Photos	
9	List of Property Owners	
10	Submission of Documents	
11	Survey	
12	Plans	
13	EAF	
14	Notice Served	
15	Post Office Receipts	
16	Proof of Service	
17	Proof of Sign Posting	

AFFIDAVIT

State of New York
 County of Westchester
 City of Yonkers

SS:

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

Sworn to me this _____ day of _____, 2____.

 Owner/Applicant/Representative Name

 Owner/Applicant/Representative Signature

 Notary Public/Commissioner of Deeds

Form of Proof of Service

Name: _____

Address: _____

Phone #: _____

In application for a permit for Special Exception Use and/or a variance before the Zoning Board of Appeals under the provisions of the General Ordinance of the City of Yonkers.

_____ being duly sworn, deposes and says that he is over twenty-one years of age and resides at _____, in the City/Town/Village of _____, in the County of _____, in the State of New York, that he is the applicant in a proceeding before the Zoning Board of Appeals, City of Yonkers, being a petition to the General Zoning Ordinance, and which relates to premises _____ that he or she gave notice of this proceeding to each and all of the persons named on the list of owners or property affected which he or she filed with said application, by mailing on _____ (date) by Certified Mail, to each of said owners a notice, a true copy of which is attached to this affidavit.

AFFIDAVIT

State of New York

County of Westchester

City of Yonkers

SS:

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

Sworn to me this _____ day of _____, 2_____.

Applicant Name (print clearly)

Applicant Signature

Notary Public/Commissioner of Deeds