



Village of Southampton

BUILDING DEPARTMENT

23 Main Street
Southampton, NY 11968

631-283-0247 Ext: 154

631-283-0247 Ext: 147

APPLICATION TO THE ZONING BOARD OF APPEALS

To be filed and submitted with all applicable requirements in the ZBA Checklist.

See Building Department website for further information

Public Hearing Fee: \$450.00

Filing Fee: DIMENSIONAL VARIANCE \$750.00

SPECIAL EXCEPTION \$750.00

WETLAND SPECIAL PERMIT \$750.00

AVOID FRAUD:
The Village will Never
Request a Wire Transfer

As per Chapter 116-40.1-6 : \$1,000.00 (Area Variance)
(Separate Check) \$2,500.00 (Wetland/Environmental Variance)

PROPERTY OWNER: _____

PROPERTY ADDRESS: _____

MAILING ADDRESS (if different): _____

PHONE NUMBER: _____ EMAIL: _____

SCTM #: 904 - - -

APPLICANT (if other than Property Owner): _____

APPLICANT'S INTEREST (circle one): TENANT/LESSEE CONTRACTEE OTHER

APPLICANT PHONE #: _____

APPLICANT ADDRESS: _____

APPLICANT E-MAIL: _____

ATTORNEY/AGENT (if any): _____

ATTORNEY/AGENT PHONE #: _____

ATTORNEY/AGENT ADDRESS: _____

ATTORNEY/AGENT E-MAIL: _____

SPECIFY WHOM CORRESPONDENCE SHOULD BE SENT TO:

☐ OWNER

☐ APPLICANT

☐ ATTORNEY

☐ AGENT



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QUESTIONNAIRE

1. Describe Proposed Project in Detail (*attach additional sheets as necessary*): _____

2. Are there any of the following within 500 feet of the subject property?

- | | |
|---|--|
| ☐ A County or State Highway | ☐ The Village Boundary Line |
| ☐ A County Park or Recreation Area | ☐ Government Property |
| ☐ The Atlantic Ocean, any Bay or estuary | ☐ An Agricultural District |

3. Select at least one that describes this application:

- ☐ Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot
- ☐ Construction, expansion or placement of minor accessory residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings
- ☐ Construction or expansion of a non-residential structure or facility involving less than 4,000 sq. ft. of GFA
- ☐ Granting of individual setback and lot line variances and adjustments
- ☐ Granting of an area variance for a single-family, two-family or three-family residence
- ☐ Other: _____ (*Attach Short EAF Part 1*)

4. Present Zone: _____ 5. Size of Property: _____ Square Feet

6. Date Property Acquired: _____

From Whom: _____

7. Is the application for proposed or existing improvements?

8. If any prior Zoning Board of Appeals determinations been rendered on this property, please provide the date, name of applicant and nature of request:

9. Do the improvements require or have approval from any other board of the Village of Southampton? If so, please identify the board and provide copies of any determination/decision:



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Appendix A: AREA VARIANCE(S):

(Attach additional pages as necessary)

Example: A 5-foot variance from 116-9A(10)(c) for a proposed 15 x 30 swimming pool 15 feet from the western lot line where 20 feet is required.

- a. A _____ variance from 116-_____ for _____

- b. A _____ variance from 116-_____ for _____

- c. A _____ variance from 116-_____ for _____

- d. A _____ variance from 116-_____ for _____

- e. A _____ variance from 116-_____ for _____

- f. A _____ variance from 116-_____ for _____

Answer each the following questions in full. One word "Yes" or "No" answers are unacceptable.

1. Will the granting of the area variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?



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3. Is the requested area variance substantial?

4. Will the granting of the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

5. Is the alleged difficulty self-created? _____

Explain why the request is the minimum relief necessary to achieve the benefit(s) sought:



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Appendix B: SPECIAL EXCEPTION USE

A Special Exception use is sought pursuant to Article IV to permit: _____
in the _____ zoning district.

General Standards [See §116-22 for full text]:

(For each of the general standards below, explain how the proposed use meets the requirements as described in the full text of the zoning ordinance, or write "Not Applicable" as appropriate. Attach additional pages as necessary)

- A. Such use will be in harmony with and promote the general purposes and intent of this chapter:

- B. The plot area is sufficient and adequate for the use and the reasonably anticipated operation and expansion:

- C. The proposed use will not prevent the orderly and reasonable use of adjacent properties:

- D. The site is particularly suitable for the location of such use in the community.

- E. The proposed location would be unsuitably near to a church, school, theater, or other place of assembly.

- F. The proposed use conforms with the chapter definition of the special exception use

- G. Access facilities are adequate for the estimated traffic from public streets and sidewalks

- H. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.

- I. There are an adequate number of off-street parking and truck loading spaces for the anticipated number of occupants

- J. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

- K. Adequate provisions will be made for stormwater runoff and of sanitary sewage, refuse or other waste

- L. No outdoor sales lot, storage or display area will be permitted in the required front yard area of any business district¹

- M. The proposed use recognizes and provides for the further specific conditions for particular uses in § 116-23.

- N. In any application being heard by the Trustees, that Board may waive any otherwise applicable parking provision

Special conditions and safeguards for certain uses [See §116-23 for full text]:

(If applicable, explain how the proposed use meets the special conditions and safeguards as described in the full text of the zoning ordinance, or write "Not Applicable" as appropriate. Attach additional pages as necessary)

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

¹ Except that in the HB District such uses may be permitted in the required front yard, provided they shall be set back 50 feet from the front property lines.



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Appendix E: USE VARIANCE

If requesting a use variance, the applicant must demonstrate unnecessary hardship by satisfying each of the below tests (*each standard must be addressed in writing – attach additional pages to application as applicable. "c." must include financial evidence*):

a. A Use Variance is sought from Section 116-_____ to permit _____

_____ in the _____ zoning district.

b. How do the applicable zoning regulations and restrictions cause unnecessary hardship? _____

c. How is the property incapable of earning a reasonable return if used for any of the allowed uses in the district, and how is the lack of return substantial as demonstrated by competent financial evidence? _____

d. How is the alleged hardship related to the property in question unique, and why does it not apply to a substantial portion of the district or neighborhood? _____

e. Why the requested use variance, if granted, will not alter the essential character of the neighborhood? _____

f. Why is the alleged hardship not self-created? _____



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Appendix D: APPEAL OF DETERMINATION

This appeal is being submitted by:

- ☐ Owner
☐ Tenant / Lessee
☐ Contractee
☐ Neighbor(s) within _____ ft. of property
☐ Other: _____

This is an appeal of the interpretation of:
(*Select all that apply*)

- ☐ The Zoning Map
☐ The Zoning Ordinance
☐ A Procedure or Policy

This appeal is taken from the determination(s) of the Building Inspector/ Planning Director dated: _____, 20____ (*Attach determination(s) if in writing*)

concerning Section(s) _____ of the Village Code
and/or the _____ District(s) of the Zoning Map

finding that: _____

The contested determination is incorrect in that: _____

(*Provide applicable documentation and attach additional page(s) as necessary*)



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Appendix C: WETLANDS (NATURAL RESOURCE) SPECIAL PERMIT

Please attach a detailed report of the specific purpose, nature and scope of the activity proposed. Included shall be a report on the nature, extent and type of wetlands involved and a completed long environmental assessment form Part I.

List each of the proposed regulated activities/structures and its distance from the wetland:

i. _____
_____,
_____ feet from the wetland within the _____ foot regulated area.

ii. _____
_____,
_____ feet from the wetland within the _____ foot regulated area.

iii. _____
_____,
_____ feet from the wetland within the _____ foot regulated area.

iv. _____
_____,
_____ feet from the wetland within the _____ foot regulated area.

v. _____
_____,
_____ feet from the wetland within the _____ foot regulated area.

Describe the effect of the proposed activity with reference to the public health, safety and welfare, fish and wildlife, flood, hurricane, storm dangers and the protection or enhancement of the several functions of the wetlands: _____

Describe how the project achieves the maximum feasible setback from the wetlands for buildings, structures, septic systems, pools and dry wells, roads, driveways and fertilized vegetation which would ensure wetlands protection: _____



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OWNER AUTHORIZATION/ENDORSEMENT

_____, being duly sworn, deposes and says: I am the (owner if fee) (officer/member of the Corporation/LLC which is the owner in fee) (circle one) of the premises described in the foregoing application as described herein. I hereby consent to inspection of the property by Village employees and authorized Village representatives to review the pending application for a Special Permit and/or Variance.

(If Applicable) I have authorized _____ as Applicant/Attorney/Agent (circle one) to make the forgoing application as described herein.

SIGNATURE

IF CORPORATION/LLC – NAME OF CORPORATION/LLC

TITLE

Sworn before me this _____ day of _____ 20_____

Notary Public

APPLICANT ENDORSEMENT

_____, being duly sworn, deposes and says: I am the Owner/Applicant/Attorney/Agent (circle one) of the property above described. That all statements made in this application are true to the best of my knowledge and belief, except as to the matters therein stated to be alleged on information and belief and as to the matters, I believe the same to be true, and that any accompanying or attached map is substantially correct.

The undersigned further states that no state officer, or employee of the Village of Southampton, (nor any such officer's, or employee's spouse, brother, sister, parent, child, grandchild or the spouse of any of them) has an interest, direct or indirect, in the person, partnership or association making the application. (If such an interest exists, the nature and extent of the interest must be stated. "Interest" is further defined in Section 809, General Municipal Law.)

SIGNATURE

Sworn before me this _____ day of _____ 20_____

Notary Public