

Town of Dover Zoning Board of Appeals

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111 Ext 100
(845) 832-3188 fax

APPEAL / VARIANCE APPLICATION

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the Checklist along with eight (8) copies of all information, an electronic copy (flash drive) and required fees and escrow to the Zoning Board of Appeals Office before the deadline date which is on the website or by contacting the ZBA Secretary (845.832.6111 x 100). Meetings are scheduled for the 2nd Monday of every month at the Dover Town Hall at 7:00 pm (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by town consultants, if needed. A \$300 escrow fee is required with the application in a separate check to cover these costs.

If the matter before the Zoning Board of Appeals was canceled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place; the Poughkeepsie Journal and all contiguous neighbors will also be notified by the ZBA Secretary. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the ZBA Secretary, **AT LEAST 48 HOURS IN ADVANCE** since there are clerical functions which must take place, i.e., notifying property owners, notice in paper, etc.

Please supply a cover letter and describe the project in your own words including any hardships involved.

The applicant is responsible for adhering to Chapter 145, Sections 145-58 and 145-59 of the Town of Dover Zoning Law available online at www.ecode360.com/DO1139 (Links, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

Name (please print)

Signature

Date

Appeal / Variance Checklist

Eight (8) copies (supplied by the applicant) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Dover Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board. Incomplete applications will not be put on the Agenda.

_____ Appeals / Variance Application

_____ Disclosure of Interest Form

_____ Cover letter describing the project in detail including any hardships involved

_____ Agricultural Data Statement (for Use Variances only) if the property is in an agricultural district and contains a farm operation, or if the property is within 500 feet of a farm operation in an agricultural district

_____ Building Permit Application with copies of all drawings and maps showing the proposed building(s) and site alterations with dotted lines and showing existing building(s) and other improvements with solid lines submitted to Building Department

_____ Building Inspector's Denial (Decision of Code Enforcement Officer)

_____ Site plan of the property showing adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county-owned or managed streams or drainage channels and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements within a quarter-mile radius

_____ Copies of all applications, attached information, and decisions if matter is being heard by another Board

FEES: (please check all that apply to this application)

_____ Application	\$150.00
_____ Variance	\$150.00 (each variance)
_____ Interpretation	\$150.00
_____ Reversal of Decision by Code Enforcement Officer	- \$150.00
_____ TOTAL (checks payable to <u>Town of Dover</u>)	
_____ Escrow - \$300.00 (Separate Check payable to the Town of Dover)	

Applications with unpaid fee will not be heard.

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APPEAL / VARIANCE APPLICATION

Project Name: _____

Application Number: _____
(to be determined by ZBA Clerk)

Grid Number: _____

Type of Application: _____ Area Variance _____ Reversal or Modification of:
(check all that apply) _____ Use Variance _____ Decision of CEO
_____ Interpretation of Zoning Text or Map

Property Address: _____

Current Use(s): _____

Proposed Use(s) and/or Structure(s): _____

Primary Contact Person: _____

Brief Description of Proposed Use/Activity

(attach additional sheets, if necessary):

Address: _____

Phone Number: _____

E-mail: _____

Name of Property Owner: _____

Address: _____

Phone Number: _____

E-mail: _____

Name of Applicant: (if different)

Address: _____

Phone Number: _____

E-mail: _____

Relationship of Applicant to Owner
(e.g., contract vendee, option holder, lessee):

Property Information:

Land Use District: _____

Overlay Districts (if any): _____

Lot Area: _____

Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any:

Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?

[] yes, granted on _____ [] no

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district?

[] yes [] no [] not applicable

REASON FOR APPEAL / VARIANCE (*Complete where applicable. Use extra sheet if necessary*)

A. INTERPRETATION of the Zoning Law is requested because: _____

B. REVERSAL OR MODIFICATION of a decision by the Code Enforcement Officer is requested because: _____

C. A USE VARIANCE is requested for these reasons (*all blanks must be filled in*):

(1) The applicant cannot realize a reasonable return from the property for any use allowed by the Zoning Law because: _____

The property was acquired in the year _____ for \$_____. The applicant has invested \$_____ in the property since that time, and the largest return that can be expected from using the property as a _____ (*most valuable use allowed by the Zoning Law*) is \$_____ per year. The value of the property under the current Zoning Law, as determined by competent financial evidence submitted herewith, is \$_____. The expected return and/or property value from other uses allowed by the Zoning Law ranges from \$_____ to \$_____. (*Please attach a list of all permitted and special permit uses and their probable return and value.*)

(2) The hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood because:

(3) The variance will not alter the essential character of the neighborhood because:

(4) The hardship is not self-created because:

D. AN AREA VARIANCE is requested for these reasons:

(1) If the variance is granted, the applicant will have the following benefit:

(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because:

(3) The applicant cannot attain the benefit of having the variance by any other method because:

(4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

The undersigned hereby makes an application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.

Signature of Record Owner

Date

Signature of Applicant (*if different*)

Date

DISCLOSURE OF INTEREST FORM

Project Name: _____

Application Number: _____

Grid Number: _____

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.

(a) Is the applicant, or

(b) Is an officer, director, partner, or employee of the applicant, or

(c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or

(d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.

3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the work "none" _____.

Signature of Applicant

Date

AGRICULTURAL DATA STATEMENT

(for Use Variances only)

if the property is in an agricultural district and contains a farm operation,
or if the property is within 500 feet of a farm operation in an agricultural district

Project Name: _____

Application Number: _____

Grid Number: _____

Type of Application: ☐ Subdivision ☐ Special Permit ☐ Site Plan ☐ Use Variance

Please list names and addresses of owners of land which contain farm operations and which is located within an Agricultural District and within five hundred feet of the boundary line of the property upon which the project is proposed (*use additional sheet if more space is needed*):

(1) _____ (5) _____

(2) _____ (6) _____

(3) _____ (7) _____

(4) _____ (8) _____

Applicant must attach a tax map or other map showing the site of the proposed project in relation to the farming operations described above.

Signature of Applicant

DATE