

**Incorporated Village****of Massapequa Park**

VILLAGE HALL, 151 FRONT STREET, MASSAPEQUA PARK, NEW YORK 11762-2794

WEBSITE: www.masspk.com**BUILDING DEPARTMENT****APPLICATION FOR FENCE VARIANCE****FEE: \$220.00****(ATTACH COPY OF SURVEY AND INDICATE LOCATION OF FENCE WITH "X")****DATE:** _____ **CASE NO.** _____**NAME:** _____ **TELEPHONE NO.:** _____**ADDRESS:** _____ **Section:** _____ **Block:** _____ **Lot(s):** _____**Fence Location:** _____**Natural Grade of Property:** _____ **Sloped:** _____ **Flat:** _____**Type of Fence:** _____ **Material:** _____ **Height of Fence:** _____**Contractor's Name (if applicable):** _____**Address:** _____ **Telephone No.:** __________
Homeowner's Signature

In order to proceed with your Variance Request, it is required that *ALL* structures located on the property (decks, sheds, pools, etc.) be drawn on your survey. Please indicate *dimensions of structure* and *distance from property lines*.

This Variance, once approved, is in force for *Sixty (60)* days at which time construction should have been started. Otherwise it shall be *null and void*. Zoning Ordinance 345-11C.

*Village of Massapequa Park, NY
Wednesday, July 23, 2014*

Chapter 345. ZONING

Article VI. Special Use Regulations

§ 345-40. Fences and similar obstructions.

[Amended 3-4-1996 by L.L. No. 3-1996; 12-22-1977 by L.L. No. 17-1997; 7-26-1999 by L.L. No. 9-1999; 6-12-2000 by L.L. No. 12-2000]

- A. Erection restricted. No person shall erect in any residential district of the Village a solid fence, such as but not limited to a basket-weave-type fence, a solid board fence or any synthetic or metal solid fence that is greater than six feet in height or is before the front house setback; nor shall there be erected in such zone any fence more than 48 inches in height, excepting in the rear of the front line of the house, in which case the same shall be not more than six feet.
- B. Corner plots.
 - (1) On corner plots, the front side shall be limited to nonopaque, not solid fences no higher than 48 inches. The street side (side yard) shall be entitled to a six-foot opaque (solid) fence, provided a minimum thirteen-foot setback from the property line is maintained.
[Amended 3-27-2006 by L.L. No. 2-2006]
 - (2) Obstruction of view prohibited. On any corner plot on which a front or side yard is required, no wall, fence or structure shall be erected and no hedge, tree, shrub or other growth shall be maintained in such location within such required front or side yard space as to cause danger to traffic by obstruction of the view.
- C. Location of posts and unfinished side facings. Any fence constructed in accordance with this section shall have the fence posts and/or unfinished side facings and/or horizontal and diagonal cross member pieces facing inward and located on the inside and/or that side of the property of the person who is erecting said fence. In the event that there is any question in reference to the above, it shall always be construed in favor of the adjoining property owner and against the person who is erecting said fence as to the location of said fence posts and/or unfinished side facings and/or

horizontal and diagonal cross member pieces of the fence and/or any other item relating to the fence.

- D. Permit required. No fence shall be erected within the Village in accordance with this section without first obtaining a permit from the Building Department of said Village.
- E. Compliance required. No fence shall be permitted except as provided in this section or as authorized by the Zoning Board of Appeals after a public hearing.
- F. The height of a fence shall be measured from the natural grade of the property at all points along the fence run. The height of the fence shall be the highest point of the fence measured at the natural grade. Man-made berms, retaining walls and other structures shall not be considered part of the natural grade.
[Added 12-23-2002 by L.L. No. 10-2002]
- G. All fences legally existing as of December 23, 2002, shall be permitted to remain as legal nonconforming fences. Legal nonconforming fences may be repaired and maintained. Any fence replaced or repaired to the extent of more than 50% of the existing fence must conform to § ~~345-40F~~.
[Added 12-23-2002 by L.L. No. 10-2002]

§ 345-40.1. Stockade fences for business property.

[Added 2-14-1994 by L.L. No. 5-1994]

A six-foot stockade fence shall be erected in the rear of all business property and on the sides of corner business property where said property abuts residential property. Such fence shall be bolted to two-inch galvanized posts. Where the grade of the adjoining property is lower or higher, a retaining wall shall be installed and the galvanized posts shall be embedded in the wall for depth of four feet. If no retaining wall is necessary, the posts shall be embedded in four feet of concrete.