

**ZONING BOARD OF APPEALS  
TOWN OF OYSTER BAY, N.Y.  
RULES OF PROCEDURE  
PARENT/CHILD APPLICATION**

**I**

Application for a Variance shall be made by filing with the Board of Appeals a completed, typewritten or printed application form supplied by the Division of the Zoning Board of Appeals, having thereon, a complete statement of the relief or the variance sought by the applicant and a detailed statement of the practical difficulties and/or unnecessary hardship allegedly created or existing because of existing zoning regulations relating to the particular premises.

**THE FOLLOWING MUST BE SUBMITTED WITH YOUR APPLICATION:**

- 1) Two (2) copies of the **Board of Appeals Application** with executed signature of fee owner.
- 2) The **rejected building permit application** together with three (3) sets of building plans.
- 3) Fourteen (14) legible copies of a **survey** of the subject property prepared by a licensed surveyor, showing all existing and/or proposed structures, drawn to scale indicating setbacks from property lines.
- 4) For proposed structures/additions, an additional fourteen (14) legible copies of a **plot plan** showing the proposed structures/additions indicating setbacks from property lines is also required. The plot plan **cannot** be substituted for surveys.
- 5) Fourteen (14) copies of a **radius map**, drawn to scale, showing the size and location of all parcels located within a radius of 100 feet (300 feet for commercial parking) measured from all points of the subject property and indicated thereon the name and mailing address and section, block and lot for each parcel shown.
- 6) A **Disclosure Affidavit** pursuant to the Building Zone Ordinance (For Applicant and Representative of Applicant).
- 7) A **Prior Application Affidavit** listing all prior applications affecting subject property made to the Zoning Board of Appeals and/or the Town Board either for change of Zone or Special Permit. If prior application has been made, include a copy of Town Board Resolution.

**FEES**

- 8) Once your application has been reviewed by the Division of the Zoning Board of Appeals, a **fee** will be calculated and you will be notified by post card of that fee.

**PROOF OF NOTICE**

- 9) A **Notice to Owners and Occupants** form will be mailed to you by the Division of Zoning Board of Appeals 18-20 days prior to your hearing date. You or your representative must send this form by mail to each owner, occupant and contract vendee (if any) of all parcels of property located within a radius of 100 feet (300 feet for commercial parking) measured from all points of the subject property lines. However, such notice must be sent by Certified Mail, Return Receipt Requested to those owning or occupying all properties abutting the subject property and an additional notice to be addressed "Owner/Occupant" to all abutting properties. Said notice shall be postmarked not less than TEN (10) days prior to the date set for the Public Hearing.
- 10) Along with the "**Notice**" you will be mailed an "**Affidavit of Mailing**". This Affidavit, having attached thereto a true and complete copy of the "Notice to Owners and Occupants" together with U.S. Postal Receipt or "Certificate of Mailing" for each Certified letter mailed to the abutting property owners, must be filed with the Zoning Board not less than ONE day prior to the date of the scheduled Public Hearing.

**IN THE CASE OF AN APPLICATION FOR SPECIAL PERMIT TO INSTALL OR MAINTAIN AN EXISTING SECOND KITCHEN IN A ONE FAMILY DWELLING FOR USE AS A PARENT/CHILD RESIDENCE follow the above instructions and:**

- a) Submit professionally drawn floor plans (in triplicate) of the first and second floor of the dwelling as well as basement, if applicable. Plans should show each room, hallway, stairway and entrance with each room being labeled. The dwelling must continue to maintain the outward appearance of a one-family dwelling. Both units shall share a common building entranceway, doorbell, mailbox and electric meter.
- b) Fourteen (14) copies of a plot/site plan showing all off-street parking.
- c) A **Declaration of Restrictive Covenants** signed by all adult occupants, before a notary public, which is to be recorded in the Office of the Nassau County Clerk. An original and four (4) copies is to be submitted at the time of the variance request.
- d) Include a check to cover the filing fee for recording the aforesaid Declaration of Restrictive Covenants. This check must be undated and made payable to the "**Nassau County Clerk**" in the amount of Two Hundred and Ten Dollars (\$210.00).

**NOTE:** 1) A separate application for a variance or permit shall be required in the following cases even though the applications relate to the same property or premises: a) for each building if more than one; b) for each special exception requested; c) for each use variance required; d) for each special permit requested. (When applications relating to the same premises are filed simultaneously, the applicant shall be required to file only one completed set of surveys and maps with only two additional for each additional separate applications. 2) In the case of application for **Variance from the plot area and/or width requirements of the Ordinance**, the following shall be annexed to and made part of the application in addition to the foregoing. A) An **abstract of title** affirmed or sworn to by an attorney or by a recognized title examiner, in the form required by the Board, setting forth the Chain of Title (all records of conveyance) of the subject property and all adjacent and abutting plots on and from January 26, 1953 to date. **IMPORTANT:** The abstract of title shall be typewritten or printed on a letter or legal size paper and shall for each conveyance recorded, show the full name of the grantor and the grantee, the date of deed, the date of recording and the liber and page. Each conveyance recorded concerning any lot must indicate all other lots or property conveyed in the same instrument. If new lot numbers have been assigned since January 1953, the abstract shall indicate both the prior lot numbers and the new lot numbers.