

**ZONING BOARD OF APPEALS
TOWN OF OYSTER BAY, N.Y.**

**RULES OF PROCEDURE
PARENT/CHILD APPLICATION**

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) original 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.
- 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.
****PLOT PLAN, SURVEY & RADIUS MAPS MUST BE COLLATED & STAPLED INTO 14 PACKETS.**
- 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.

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. An original and four (3) copies are to be submitted at the time of the variance request along with a copy of a valid photo identification for each occupant over the age of 18. (address must match the requested Parent/Child residence)
- d) Copy of Deed must be submitted with application.

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.

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made the _____ day of _____,
20_____, by _____
Who reside at _____ N.Y.,
As fee owner by deed dated _____ and recorded on _____
at Liber _____, page _____ hereinafter referred to as the
Declarant,

WITNESSETH:

WHEREAS, the premises (located in the Town of Oyster Bay, County of Nassau, State of New York) are known as and by Lots _____
in Block _____, Section _____ of the Land and Tax Map of the
County of Nassau, and are more particularly described as follows:

(METES AND BOUNDS DESCRIPTION)

WHEREAS, the Declarant herein has applied for the Board of Appeals of the Town of Oyster Bay, by Appeal No. _____, for permission to maintain a single-family residence with a second kitchen for a special family occupancy pursuant to Chapter 246, Table 5.2 of the Building Zone Ordinance of the Town of Oyster Bay, upon said premises, and

WHEREAS, a public hearing was held on said application on the _____ day of _____, 20_____, and

WHEREAS, the Board of Appeals of the Town of Oyster Bay had indicated its willingness to grant said application subject to the terms of this Declaration, and

WHEREAS, the Declarant deems it advisable for the best interest of itself and the Town of Oyster Bay that certain covenants and restrictions be placed upon the real property with a view to conserving the value thereof, and the value of other properties in the vicinity thereof,

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NOW, THEREFORE, in consideration of the premises, the Declarant declares as follows:

FIRST: That owner/occupant permit inspection of said premises by agent of the Town, provided 48 hours notice is given to owner/occupant prior to inspection, and a new Certificate of Occupancy must be applied for and received for a Parent-Child dwelling.

SECOND: That the one-family dwelling existing on the premises shall be used as a residence dwelling, with two kitchens, for a period of three (3) years from the date hereof, with occupancy, however, specifically limited to the following names persons; unless such period is extended or said Declaration amended as hereinafter provided.

	<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
a.				
b.				
c.				
d.				
e.				

THIRD: That all the persons named in paragraph number SECOND hereof hereby join in the execution of this Declaration of Restrictions to signify their consent and agreement thereto.

FOURTH: That the second kitchen permitted by a decision of the Board of Appeals under Appeal No. _____ shall be removed within thirty (30) days following the termination of the three-year period aforesaid, unless the period of such use be extended for an additional three (3) year period upon proper application thereof and a decision of said Board of Appeals to extend for an additional period after a public hearing.

FIFTH: That upon the sale of said premises or change in ownership, or upon the occurrence of any change or termination of occupancy by any of the aforementioned persons, or any other occupancy, notice thereof shall be immediately given in writing to the Board of Appeals, Town of Oyster Bay.

SIXTH: That upon any sale of the premises, change in ownership, or change in the occupancy, the aforesaid second kitchen shall be removed within a period of thirty (30) days after order to do so issued by the Building Official of the Town of Oyster Bay or by the Board of Appeals of the Town of Oyster Bay, or other appropriate authority, unless an "Amended Declaration of Restrictive Covenants" shall be filed in accordance with a decision of said Board of Appeals after a public hearing.

SEVENTH: The above covenants and restrictions constitute covenants running with the land and shall be binding on the Declarant and all subsequent owners or successors in interest, as well as binding upon

