

Date: \_\_\_\_\_

*Village of Lawrence*  
*196 Central Ave*  
*Lawrence, NY 11559*  
*516-239-4600*  
**Board of Zoning Appeals Application**

**Owner Information**

Name: \_\_\_\_\_

Address of property applying for the variance: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email address: \_\_\_\_\_

Mailing address if different: \_\_\_\_\_

**Architect / Attorney Information**

Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

**Variance Applicant Fee \$2,000 (Non-refundable)**

Building going for a Variance

- Occupancy:     One Family Dwelling       Accessory Structure       Pool       Commercial  
                   New Work  
                   Repairs

Reason for Variance

- Building Coverage       Surface Coverage       Building Height  
 Height Setback Ratio       Accessory Structure Setback       Setbacks

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THE FOLLOWING ITEMS MUST BE SUBMITTED TO THE BUILDING DEPARTMENT BY THE DEADLINE SET BY THE BUILDING DEPARTMENT:

1. One (1) Original & eight (8) copies of the typewritten **PETITION** signed by the homeowner to include:
  - a. Descriptions of property, address, section, block and lot numbers and state any improvements to the property.
  - b. State the request being made in the building now being appealed.
  - c. State whether previous applications have been made for the same, similar or other relief.
  - d. State the section(s) of the Building Zone Ordinance from which relief is sought.
  - e. State the basis for granting such relief, i.e.: practical difficulty.

- f. The petition should contain all evidentiary materials and or any additional information pertinent to the application.
2. One (1) original & eight (8) copies of the **AFFIDAVIT** signed by the homeowner and notarized.
  3. In the event that the homeowner or his attorney will not be appearing before the Board of Zoning Appeals, One (1) original and eight (8) copies of the “**NOTICE OF APPEARANCE**” must be submitted by the Architect, Engineer or Contractor.
  4. Nine (9) copies of the Building Department **DENIAL LETTER**.
  5. Nine (9) copies of a **CURRENT SURVEY** of the property showing all improvements.
  6. Nine (9) copies **ELEVATION DRAWINGS** of the proposed construction with floor plans.
  7. Nine (9) copies of a PLOT PLAN indicating the proposed changes.
  8. Nine (9) copies of the **THREE (3) INCH STORM WATER RETAINAGE DESIGN** must include **SOIL BORINGS** for the site to support drainage system design.
  9. Nine (9) copies of the Village completed “**CODE RELIEF DESCRIPTION FORM**”.
  10. Nine (9) copies of **PHOTOGRAPHS** including but not limited to **FRONT, REAR** and **SIDE ELEVATIONS**.
  11. Nine (9) copies of the completed **SEQRA FORM**.
  12. Nine (9) copies of the **300 FOOT RADIUS MAP** of the subject property and Nine (9) copies of the list of **NAMES** and **ADDRESSES** of the properties shown on the radius map.
  13. One (1) original and eight (8) copies of **PROOF OF SERVICE**.
    - a. All applicants are required to serve legal notice accompanied by a letter describing what a variance is and that they can attend the meeting to discuss the application to all property owners within a **300 foot radius** of the subject property. (*A copy of the legal notice will be available to the applicant 3 weeks prior to the hearing date at the Village Hall, Lawrence.*)
    - b. All notices are to be mailed first class and post marked a minimum of **14 days prior** to the Board of Zoning Appeals hearing date for the appeal in question.
    - c. Applicant must submit the original **AFFIDAVIT OF SERVING NOTICE** to the Village of Lawrence **10 days prior** to the hearing date.
  14. Nine (9) copies of **CURRENT** and **PROPOSED STREET VIEWS** of neighboring homes of applicant.
  15. Nine (9) copies of **CURRENT** and **PROPOSED HEIGHT SETBACK RATIO SKYPLAN/ELEVATION**.
  16. Nine (9) copies of **CURRENT** and **PROPOSED** side, front and rear **SHADOW ELEVATIONS**.
  17. One (1) CD with all above information (*to be entered on our system electronically*).

# CODE RELIEF

CATEGORY	PERMITTED	EXISTING	PROPOSED	OVERAGE (+%)
<u>Pervious Surface Coverage</u>				
<u>Impervious Surface Coverage</u>				

*\*Section 212-12.1 Surface coverage*

*Village of Lawrence  
196 Central Ave  
Lawrence, NY 11559*

**NOTICE OF APPEARANCE**

TO THE BOARD OF APPEALS:

YOU ARE HEREBY NOTIFIED THAT I, \_\_\_\_\_  
(Name)

APPEAR FOR \_\_\_\_\_, THE

APPLICANT BEFORE THE BOARD OF ZONING APPEALS.

DATED:

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

\_\_\_\_\_  
(Telephone Number)

*Village of Lawrence  
196 Central Ave  
Lawrence, NY 11559*

**HOMEOWNER AFFIDAVIT**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NASSAU    )

\_\_\_\_\_  
\_\_\_\_\_, being duly sworn, depose and says:

Deponents are Petitioners in the within application to the Board of Zoning Appeals of the Village of Lawrence; they have read the within Petition and know the contents thereof; the same are true as to your deponent's own knowledge, except as to those matters alleged to be stated on information and belief and as to those matters, deponents believe them to be true.

\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me this  
\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

*Village of Lawrence*  
*196 Central Ave*  
*Lawrence, NY 11559*  
*516-239-3987*

Board of Zoning Appeals

I \_\_\_\_\_ residing at \_\_\_\_\_  
am appearing before the Village of Lawrence Board of Zoning Appeals requesting  
relief from:

- Section(s) -

Please be advised the meeting is scheduled for \_\_\_\_\_ at 7:30 pm  
at

Village Hall

Lawrence Country Club

Anyone who wishes to attend can do so.

\_\_\_\_\_  
Signature



**Sample of 300 Foot Radius:**  
- 240 Juniper Circle East  
- List of Neighbors

Appendix C  
State Environmental Quality Review  
**Short Environmental Assessment Form**

**PART 1- PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. Applicant/Sponsor	2. Project Name
3. Project Location: Municipality _____ County _____	
4. Precise Location (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. Proposed Action is: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. Describe Project briefly:	
7. Amount of Land affected: Initially _____ acres                      Ultimately _____ acres	
8. Will proposed action comply with existing zoning or other existing land use restrictions? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If No, describe briefly	
9. What is present land use in vicinity of project? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. Does action involve a permit approval, or funding, now or ultimately from any other Government Agency (Federal, State or Local)? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If Yes, list agency(s) name and permit/approvals:	
11. Does any aspect of the action have a currently valid permit or approval? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If Yes, list agency(s) name and permit/approvals:	
12. As a result of proposed action will existing permit/approval require modification? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I certify that the information provided above is true to the best of my knowledge	
Applicant/Sponsor Name:	Date:
Signature:	



Part II – Impact Assessment (To be completed by Lead Agency)

A. **Does action exceed any Type I threshold in 6 NYCRR, Part 617.4?** If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. **Will action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?** If no, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. **Could action result in ANY adverse effects associated with the following:** (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources: or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. **Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area (CEA)?**  
 Yes  No If Yes, explain briefly:

E. **Is there, or is there likely to be, controversy related to potential adverse environmental impacts?**  
 Yes  No If yes, explain briefly:

**Part III – Determination of Significance (to be completed by Agency)**

Instructions: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If questions D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.\
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Agency

Responsible Officer

Date

Signature of Officer

Title of Officer

# SAMPLE PETITION

BOARD OF ZONNING APPEALS  
INCORPORATED VILLAGE OF LAWRENCE

-----X

In the matter of the Application of  
XXXXXXXXX  
Petitioners

## PETITION

For a variance of Section 212-12.1,  
212-16(D)(1), & 212-24(D) of the  
Code of the Village of Lawrence

-----X

TO THE BOARD OF ZONNING APPEALS

The petitioners, XXXXX, respectfully allege as follows:

1. The petitioners are the owners of the premises known as XXXXX. The said premise is known as Section 40, Block X, Lot X. The premise lies in a Residence "B" Zone.
2. The petitioners are hereby appealing to the Board of Zoning Appeals for a variance from the requirements of the Code. Compliance with the Code provisions imposes practical difficulties and unnecessary hardship.
3. The petitioners find the existing house on the premises to be inadequate in size for their growing family's living, sleeping, and recreational needs and intend to add to the dwelling. The proposed additions will be in character with the neighboring properties.
4. Accordingly, the petitioners' architect, John F. Capobianco, has designed proposed plans indicating one and two story additions; which would enable the petitioners to enlarge the existing space to provide a new breakfast room, kitchen, dining room, living room, porch, 3-2<sup>nd</sup> floor bedrooms and 2<sup>nd</sup> floor baths for their growing family.
5. The proposed additions are shown on the plot plan annexed hereto as Exhibit "A".
6. An application for a building permit was made and denied by letter of the Building Inspector dated October 21, 2003; a copy is annexed as Exhibit "B".

# SAMPLE PETITION

The bases for denial are:

- a) As to the proposed distance of the addition from the side property line, Section 212-12.1 requires that every building hereafter erected or altered shall have a side yard of not less than 15 feet with an aggregate of not less than 35 feet for a lot 15,763.12 ft<sup>2</sup> in area. Section 212-12.1 permits a maximum side yard height/setback ratio of 1.5 for a lot 15,763.12 ft<sup>2</sup> in area. The existing building is currently 13.3 feet and 13.85 feet from the side property line and has an aggregate of 27.15 feet (see survey annexed as exhibit "C"). The proposed additions will encroach no further into the existing side building lines.
  - b) Section 212-12.1 permits a maximum surface area coverage of 5,648.41 ft<sup>2</sup> for a lot 15,763.12 ft<sup>2</sup> in area. The proposed building will exceed the allowable building area coverage by 1,877.67 ft<sup>2</sup>.
7. The authority of the Board with respect to area variances is set forth in the Village Law, Section 7-712-b, which provides, in substance, that area variances may be granted by the Board of Zoning Appeals; that in making its determination, the Board shall take into consideration "The benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant." In making it's determination, the Board is authorized to consider:
- (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (ii) whether the benefits sought can be achieved by some method feasible for the applicant to pursue other than an area variance;
  - (iii) whether the requested variance is substantial;
  - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
  - (v) whether the alleged difficulty was self-created.

It is significant to note that the language of the statute indicates that the foregoing items shall be relevant to the decision of the Board, but "shall not necessarily preclude the granting of the area variance.

8. Your petitioner further alleges, and testimony on the hearing will confirm, that the granting of this application

# SAMPLE PETITION

- (a) will not result in an undesirable change in the character of the Neither neighborhood, nor will there be a detriment to nearby properties;
- (b) that the benefit sought can not be achieved by any other method feasible for the petitioner to pursue;
- (c) that the requested variance is not substantial;
- (d) that the requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

WHEREFORE, petitioner respectfully requests that this application for a variance of Sections 212-12.1 of the Code of the Village of Lawrence, be granted, and for such other and further relief as may be just and proper.

Dated: October \_\_\_\_, 20\_\_

\_\_\_\_\_  
XXXXX