



TOWN OF
BEEKMAN
New York

4 Main Street
Poughquag, NY 12570
www.townofbeekman.com
(845) 724-5300

Office of Zoning Board of Appeals

The meetings for the Zoning Board of Appeals are held on the first Tuesday of each month at 7:00pm at the Town of Beekman Town Hall, 4 Main Street, Poughquag, NY 12570.

The deadline date for all submissions is seventeen (17) days prior to the meeting date to be placed on that month's meeting agenda.

YOUR APPLICATION CANNOT BE CONSIDERED OR ACTED UPON UNTIL THE FOLLOWING PROCEDURES AND PAPERS HAVE BEEN COMPLIED WITH:

1. ALL SUBMISSION MUST INCLUDE EIGHT COPIES INCLUDING ONE ORIGINAL OF ALL PLANS AND PAPERWORK. All Submittals shall include electronic copies of all documents submitted. This can be done via CD, flash drive or email.
2. The application must be clearly completed and ALL QUESTIONS must be answered (include attachments for Area or Area Variance).
3. Short Environmental Assessment Form must be completed for all unlisted actions.
4. Consent of property owner, is required.
5. As required by the Board, a recent survey or site plan prepared by a licensed, professional Engineer in the state of New York showing existing and proposed conditions. Tax maps and over-all subdivision maps are unacceptable. The survey must indicate in decimal feet all front, side and rear yard setback measurements to any property line. All existing structure should be shown on the survey.
6. Concept floor plans and elevations of any new proposed or remodeled structures relevant to the requested variance.
7. Fees – make checks payable to the “Town of Beekman”*.
The Application Fee for Area Variance is \$150.00, which is nonrefundable.
The Application Fee for Use Variance is \$1,000.00, which is nonrefundable.
Escrow fees will also be required (separate check).
*Properties with violations will have additional fees.
*These fees do not include building permit fees.
8. Public Hearing: Applicants must advertise for a Public Hearing for the first meeting. All adjacent and adjoining property owners must be given at least 10 days' notice of the date and time of the public hearing by Certified Return Receipt Mail. The applicant must also publish a notice of public hearing in the local newspaper and bring the actual notice to the ZBA Secretary prior to the meeting. The notice must be published a minimum of ten (10) days, maximum of twelve (12) days prior to the meeting date. A sample letter to send to neighbors and newspaper is attached.
9. APPLICANT/OWNER OR AN AUTHORIZED REPRESENTATIVE, WITH KNOWLEDGE OF THE PROJECT, MUST BE PRESENT AT MEETING.



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Office of Zoning Board of Appeals

Town of Beekman, Dutchess County, New York

Application to Zoning Board of Appeals

Area Variance

An area variance from the stated Section(s) of the Zoning Law is requested. (Please substantiate the request by answering the following questions in detail)

1. Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties be created by granting the variance?

2. Can the desired result be achieved by some other means than granting a variance?

3. Is the variance substantial?

4. Will the variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district?

5. Is the alleged hardship self-created?



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USE AND AREA VARIANCE

Use Variance:

(A) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, authorizing use of land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.

(B) No such use variance shall be granted by a board of appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship, in order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(C) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Area Variance:

(A) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.

(B) In making its determination, the zoning board of appeals shall take into consideration the benefit to the application 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 such determination the board shall also consider: (1) whether an undesirable charge 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; (2) whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(C) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



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APPLICATION TO ZONING BOARD OF APPEALS

PROPERTY OWNER NAME: _____ PHONE: _____
ADDRESS: _____ STATE: _____ ZIP: _____
APPLICANT NAME: _____ PHONE: _____
ADDRESS: _____ STATE: _____ ZIP: _____
LOCATION OF PROPERTY: _____

TAX GRID NO. _____ CURRENT ZONING: _____
CURRENT LAND USE: _____ LOT SIZE : _____
EXISTING SET BACKS :

FRONT : _____ FT.
CHECK TYPE OF RELIEF REQUESTED: REAR : _____ FT.
_____ APPEAL DECISION OF CODE ENFORCEMENT OFFICER SIDE 1 : _____ FT.
_____ INTERPRETATION OF ZONING ORDINANCE SIDE 2 : _____ FT.

_____ AREA VARIANCE
_____ USE VARIANCE
_____ OTHER (PLEASE DESCRIBE) : _____

TYPE OF ROAD ADJOINING ORDINANCE SECTION : _____

REASON FOR VARIANCE REQUEST : _____

CAN PROJECT BE LOCATED ON PROPERTY TO ELIMINATE THE NEED FOR VARIANCE? _____ YES _____ NO
(IF YES PLEASE EXPLAIN WHY YOU ARE NOT PLACING IN THAT LOCATION)

HAS A VIOLATION, STOP WORK ORDER OR COURT SUMMONS BEEN SERVED? _____ YES _____ NO

I, the above-named property owner, grant permission to representatives of the Town of Beekman for on-site inspections of the above-name property associated with this application, to the Beekman Zoning Board of Appeals, at any reasonable hour (including weekends).

Signature of Property Owner _____ Date _____

I, (applicant) affirm that the information provided with this application is true to the best of my knowledge. I hereby grant permission to representatives of the Town of Beekman for on-site inspection associated with this application, at any reasonable hour (including weekends). I have listed all adjacent property owners (including those across any road) on the reverse of this application.

Signature of Applicant _____ Date _____



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APPLICATION TO ZONING BOARD OF APPEALS
TOWN OF BEEKMAN, DUTCHESS COUNTY, NEW YORK

USE VARIANCE

A USE VARIATION FROM THE STATED SECTION(S) OF THE ZONING LAW IS REQUESTED for these reasons:

1. STRICT APPLICATION of the Law would deprive applicant of all economic use of benefit of property as demonstrated by the following competent financial evidence

(Appellant must provide the ZBA with dollars and cents proof in support)

2. THERE ARE CERTAIN UNIQUE FEATURES AND/OR CONDITIONS OF THE LAND that are not generally applicable throughout the zone and that make it impossible to earn a reasonable return without some adjustment AS FOLLOWS: _____

3. THE REQUESTED VARIANCE WILL NOT CHANGE the character or quality of the Neighborhood and will PRESERVE THE "SPIRIT" OF THE LAW because _____

4. THE ALLEGED HARDSHIP IS NOT SELF CREATED _____



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Sample Legal Notice

Legal Notices must be submitted via email as word documents to: pjlegals@gannett.com

Ad must be submitted to Poughkeepsie Journal at least five (5) days prior to the desired publication date.

Must include name, address and phone # along with ad.

NOTICE OF PUBLIC HEARING:

Pursuant to the provisions of Town Law #267, a Public Hearing will be held by the Town of Beekman Zoning Board of Appeals on (DATE OF MEETING) AT 7:00PM AT Town of Beekman Town Hall, 4 Main Street, Poughquag, New York 12570 for the purpose of hearing all parties interested in the granting of a Variance by the Town Zoning Board of Appeals for

(NAME OF APPLICANT) located on (NAME OF ROAD WITH NEAREST CROSS STREET), with regard to: (CHOOSE FROM LIST BELOW).*

By order of: Town of Beekman Zoning Board of Appeals

- Legal Notices must be published by owner, minimum of ten (10) days prior to meeting date. Publish one day only; specify dates by using day and date. (i.e. Thursday, December 17, 2012). Meetings start at 7:00 pm with all Public Hearings being heard first on the agenda.

*List

- Shed
- Accessory structure
- Garage (attached or detached)
- Pool (above ground or in ground)
- Deck
- House
- Commercial property
- Other _____.

Affidavit of publication must be submitted to the town one day prior to meeting.



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Sample Letter to Adjoining & Adjacent Property Owners

All adjoining and adjacent property owners must be notified by certified return receipt mail.

A list of names and addresses can be obtained from Building Department at Town Hall.

To whom it may concern:

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*List

- Shed
- Accessory structure
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- Pool (above ground or in ground)
- Deck
- House
- Commercial property
- Other _____.

Certified return receipts must be submitted to the town one day prior to the meeting as proof of notification.