

ZBA APPLICATION PROCEDURES

TO: All Mount Kisco Zoning Board of Appeals Applicants

FROM: Austin F. Cassidy, Building Inspector

RE: ZBA Application Procedures

If you wish to appeal a “Notice of Denial” from the Building Inspector regarding a zoning matter, you must give written notice of your intention to do so and submit the required application documents within 60 days of the denial.

Attached herein is an application along with a worksheet for the creation of a public notice and the necessary affidavit and transmittal documents. In addition to the submission of written notice of your intention to appeal this decision, you must submit the following to this office at least 15 days in advance of attending the meeting:

1. A completed and originally signed and notarized ZBA Application.
2. A copy of your statement of principal points. This is the key document that you create wherein you thoroughly and methodically state your case to the Board why or on what basis you feel that the zoning regulation(s) cited in the Notice of Denial should be varied for your proposed action. The basic criteria the Board must consider during an appeal hearing is enclosed for your reference.
3. A copy of the Public Notice. Use the enclosed worksheet as a model and fill in the blanks with the appropriate information. You will find most of the information you need located within the text of the Notice of Denial. Then retype the completed worksheet on plain typing paper in its entirety without the underscoring.
4. A Copy of the map and mailing list of all the property owners within 300 feet of the subject property. A map and mailing list may be obtained from the Village Assessor’s Office.
5. An originally signed and notarized affidavit that you have mailed a copy of the Public Notice you created to all the property owners within 300 feet of the subject property certified mail/return receipt. The blank affidavit form is enclosed.
6. You must submit a copy of the Public Notice to the official newspaper of record for its required publication to appear at least 15 days in advance of the public hearing. A cover form to be submitted with the notice to the newspaper is provided for your use.
7. Ten copies of your drawings.
8. A copy of your deed and any legal attachments.

9. Any photos, records, letters or other documents that you feel would further support your appeal.
10. Application fee – (please make checks payable to the Village of Mount Kisco)

You and/or your designated representative, if you so desire, must appear at the public hearing to present your case and discuss its elements with the Board.

As the term implies, the public is invited to offer oral or written comment regarding your appeal during the public hearing. You or your designee will be asked to orally present your case, answer any questions and enter into the record any additional evidence you may wish to present. You will also present the return receipt cards from the US Postal Service that have been returned to you from your mailing of the public notice. (It is suggested that you previously make photocopies for your records before you turn them in.)

You must understand that this action is a formal appeal process and it is possible that the public hearing may continue beyond the first meeting date, depending on the issues. The Board may request additional information be provided by you, by their legal counsel, by Village staff or other Village Boards to assist with their review of your appeal application. Any such additional information must be duly submitted at least 10 days in advance of any hearing continuation date in order to be reviewed and discussed at that subsequent meeting.

Upon closure of the public hearing, the Board must deliberate the case and make its findings in a timely fashion.

If you have any questions, please feel free to contact me or our staff.

Austin F. Cassidy
Building Inspector