



Board of Zoning Appeals

One Independence Hill, Farmingville, NY 11738
(631) 451-6477 FAX:(631) 451-6926

Please note that these guidelines are merely provided to assist you in presenting your application to the Board of Zoning Appeals and are not meant to provide legal advice. In addition, please note that these guidelines in no way confine and/or limit the scope of the inquiry undertaken by the Board.

Please be advised that applicants are not entitled to a variance, applicants have the burden of proving their case to the Board of Zoning Appeals.

Amendment to the Code of the Town of Brookhaven
Chapter 85 – Zoning

85-29 – Powers & Duties

The Board of Appeals shall have the following powers & duties:

C. Variances

To authorize, upon appeal, in specific cases such variances from the terms of this Chapter. In making it's determination, the Board of Zoning Appeals 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 such determination the Board shall also consider:

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;

Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Whether the requested area variance is substantial;

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

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.

At the time of the hearing, the Board requires you to bring at least one picture of the property in question as well as pictures of the surrounding areas within a 200-ft. radius. Please mark your photos with your name, case number and hearing date.

The Board requires you to submit at the time of the hearing, photos of any & all existing structures that are on your property. Again, please mark all photos with your name, case number & hearing date.

Along with the above mentioned items, you are required to submit to the Board the following:

- **Certified mail return receipts**
- **Affidavit of mailing (signed & notarized)**
- **Two pictures of posted public notice (one close up & one at a distance)**
- **Affidavit of posting (signed & notarized)**