



Zoning Board of Appeals
Town of Islip
40 Nassau Avenue, Suite 1
Islip, NY 11751
(631) 224-5489

DOCUMENTS AND FORMS REQUIRED FOR TEMPORARY SPECIAL EXCEPTION FOR TWO-FAMILY, FAMILY USE ONLY DWELLING PURSUANT TO ISLIP TOWN CODE SECTION 68-419.1

This provision of the Town code grants the ZBA the power to grant a temporary special exception to use of a home as a two family dwelling where all occupants are related in the first degree of consanguinity (parent child) and documented physical or mental hardship is involved. In cases of extreme hardship, the Board will consider the second degree of consanguinity. Advanced age is also a grounds for granting this application. This grant must be renewed every three years or upon the death of an occupant or transfer of the property.

THE BOARD OF APPEALS WILL NOT ACCEPT INCOMPLETE APPLICATIONS

This office can longer duplicate paperwork from prior files due to increase in volume

ZBA Application (Adjoining property owners names and addresses are on file with the Town Assessor's Office at 40 Nassau Avenue, Islip).

Disclosure Affidavit -If property is jointly owned, must be signed by all title owners and each signature notarized. If the property is held in trust, we need to see a copy of trust to determine the Trustee. Disclosure Affidavit must be signed by trustee (or co-trustees).

Original Survey not older than two (2) years with eight (8) photocopies to scale. All photocopies of surveys provided must indicate the feature(s) of the application by clearly labeling and outlining the structures to be considered.

Certificate of Occupancy or Compliance (on file at Records Department within the Building Division at 1 Manitton Court, Islip)

Zoning Denial & Variance Request Required to be countersigned by a Zoning Inspector and the applicant or representative before an application can be filed in the Zoning Board of Appeals (Call Zoning Site Review 631- 224-5438 - by appointment only)

Recorded Photocopy of Deed

Birth Certification We require a birth certificate of **each owner and all person(s)** who will occupy the home. If a physical or mental condition is alleged the Board requires a recent doctor's letter detailing the physical or mental condition.

Filing Fee \$ 250.00 If check, make payable to the "Town of Islip"

RULE ADOPTED BY THE TOWN OF ISLIP BOARD OF APPEALS, APRIL 21, 1981

If a prior application was DENIED, a new application cannot be accepted by the Board of Appeals unless there is substantial change in such application and permission is granted by the Board after submission of letter setting forth any new evidence which might indicate such substantial change or unless directed by a Court of competent jurisdiction (Revised 5/21/08)



TOWN OF ISLIP ZONING BOARD OF APPEALS
APPLICATION TO APPEAR BEFORE THE BOARD OF APPEALS

A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

OFFICE USE ONLY

Application Information

TYPE OF APPLICATION:

- Variance or Special Exception

- Appeal of the Building Inspectors Denial or Directive from other Town Agency

B/A #: _____
 T.M. #: _____
 Filed: _____ Receipt #: _____
 Public Hearing Date: _____
 S.C. Notified: _____ F.I. Nat Sea: _____
 Zoning District: _____
 Granted: _____
 Expires: _____
 Denied: _____
 Dec. filed with Town Clerk: _____
 Secretary: _____

Owner(s) Information

Applicant/Representative Information

 Name

 Street No. Street Name

 City/Town State/Zip

 Telephone Number Email

 Name

 Street No. Street Name

 City/Town State/Zip

 Telephone Number Email

REQUEST BEING SOUGHT:

Surrounding Property Owner Information

ADDRESS OF OWNER DIRECTLY:

North: _____
 East: _____
 South: _____
 West: _____

Sworn to me before this

_____ day of _____, 20_____

 Notary Public

 Owner Signature Date

 Additional Owner/Applicant Signature Date

 Home Telephone Number Business Telephone Number

Disclosure Affidavit

Application of: _____

Location of Property: _____ Tax Map No. 0500 _____

* Cross out phrase where it is not appropriate

STATE OF NEW YORK)

:SS.:

COUNTY OF SUFFOLK)

That in connection with the above captioned application to the Zoning Board of Appeals, I, _____ the *(applicant herein), (an officer or agent of the corporate applicant, namely it's _____), swear or affirm under the penalties of perjury, that no other person will have any direct or indirect interest in this application except _____

(in case of corporations, all officers of the corporations and stockholders owning more than 5% of the corporation stock must be listed. Attach separate sheet if necessary)

That *(I am not) (none of the officers or stock holders are) related to any officer or employee of the Town of Islip, except _____

That there is not any state or local officer or employee, a member of a board of commissioners of local public authorities or other corporation within the county (exclusive of a volunteer fireman or civil defense volunteer) interested in such application, except _____

Signature of Applicant(s) _____ Date: _____

Sworn before me this _____ day of _____, 20____

Notary Public

§ 68-419.1 **Temporary special exception for two-family dwellings.**

[Added 9-3-1974]

A.

Legislative purpose. The Town Board of the Town of Islip, as a matter of public policy, realizes that there are times within a family when, for the good of the family, individuals who are within a lineal degree of consanguinity to the occupier of a single-family house must live under the same roof. It further realizes that the house may have to be structurally altered because of this occupancy. The Town Board is aware that such structural alteration violates the Zoning Code but considers public policy above such temporary violation and to be in the best interests of the Town. Therefore, it grants to the Board of Appeals power to grant, as a temporary special exception, the right of a homeowner to structurally alter his residence into a two-family residence. It is not the intent of this section to permit applications to be granted where the only ground for granting such application would be that it would be simpler or more economical to live in this manner.

[Amended 4-1-1975]

B.

Definition. As used in this section the following terms shall have the meanings indicated:

TWO-FAMILY, FAMILY-USE-ONLY DWELLING

A single-family dwelling that has been temporarily converted for occupancy by not more than two individuals or groups of individuals constituting an immediate family. Such a dwelling may or may not have an alteration to permit easier living arrangements.

C.

[Repealed 4-1-1975⁽¹⁾]

[1]

Editor's Note: The provisions of Subsection C were incorporated into Subsection A by the ordinance adopted 4-1-1975.

D.

The Board of Appeals may only grant such applications in cases where physical or mental hardship is involved. However, advancing age, regardless of physical or mental state, may be grounds for granting an application.

[Amended 4-1-1975]

E.

The following regulations and criteria must be followed by the Board when granting such applications:

(1)

Such certificates may be granted only for a maximum of three-year periods.

[Amended 5-28-2008]

(2)

The application may be granted only to persons who are related in the first degree of lineal consanguinity. However, the Board may grant, in cases of extreme hardship, applications involving relatives of the second degree of lineal consanguinity.

[Amended 4-1-1975; 4-6-1976]

(3)

Upon the death of the person who is the relationship to the applicant, upon transfer of title to the property or upon the related person's moving or marrying or leaving the premises for more than four consecutive months, the use ceases automatically. In all certificates or letters granting such use, there must be a statement to this effect in print not smaller than 3/16 of an inch on such certificates or letters.

[Amended 4-1-1975; 11-18-1975; 8-5-2014]

(4)

The individual making the application must be the owner of the property.

(5)

At the time of making such an application and upon each renewal application, there must be submitted a certified copy of the birth or baptismal certificate of both the applicant and the relative.

(6)

A permit may not be granted to a house which has less than 1,000 square feet and any addition that is granted may not be more than 1/3 of the square footage of the primary house.

F.

(Reserved)^[2]

[2]

Editor's Note: Former Subsection F, Second degree of lineal consanguinity, was repealed 4-6-1976. See now Subsection E(2) above.

G.

There are existing outstanding permits that do not conform to this ordinance. The Board should approach each of these renewals on a case-by-case basis; and in those instances where it feels an injustice would result in not renewing the permit, it may grant the permit to continue the use.