



Building Department

Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598
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GENERAL INFORMATION AND INSTRUCTIONS
SPECIAL USE PERMIT
FOR A
NEW ACCESSORY DWELLING UNIT

Application forms may be obtained from the Building Department. A total of 6 copies of the application form are to be submitted to the Building Department *with* the following additional items:

1. Six copies of a floor plan of the house, showing the location of the main and accessory units.
2. Six copies of the property survey.
3. A fee of \$187.00.

Applications for accessory apartments are heard and decided by the Zoning Board which meets generally on the fourth Thursday of each month at 6:30 p.m. at Town Hall. Each application requires a minimum of two meetings. At the first meeting, the Board receives the application and schedules a site inspection and the second (public hearing) meeting. The applicant or his agent must attend both of these meetings.

APPLICATIONS MUST BE SUBMITTED TO THE BUILDING DEPARTMENT NO LATER THAN THE NOON THURSDAY PRIOR TO THE THURSDAY OF THE MEETING (i.e. one full week in advance) IN ORDER TO BE PLACED ON THE AGENDA. PLEASE INCLUDE 6 COPIES OF THE APPLICATION.

The law requires that each applicant notify adjoining property owners of his application as well as the date and time of the public hearing. Two forms have been created for this purpose.

1. **"Notice to Interested Parties"**: this form is mailed to all property owners adjoining the applicant's parcel as well as to the owners of property across the street.
2. **"Certificate of Notice"**: this form lists the names and addresses of the interested parties to whom a notice was sent.

PROCEDURE FOR NOTIFICATION

1. Find out the names and addresses of the "Interested Parties" from the Assessor's Office. Even though you might know all your neighbors, it is a good idea to check with the Assessor to be sure you have all the correct names and addresses.
2. Fill out the **"Notice to Interested Parties"** form. The space for the requested relief should state that you are filing for a special permit for an accessory dwelling unit. The filled out forms should then be mailed by Certified Mail Return Receipt requested, **no sooner than 25 days nor later than 15 days prior to the second or public hearing meeting.** Prior to mailing, make a copy of one of the forms and bring it with you to the meeting.
3. Fill out the "Certificate of Notice" form listing all the property owners that you have contacted.

At the second or public hearing meeting, as proof of your compliance with the notification procedure, you must submit to the Zoning Board of Appeals a **"Notice to Interested Parties"** form, the filled out **"Certificate of Notice"** form and the post office (white) receipts from the mailing.

If you have any questions about the mailing procedures please contact the Building Department.

PERMIT REQUIREMENTS

In order to be considered for a Special Permit, the following criteria must be met:

1. Accessory dwelling units. Such units shall be permitted in detached accessory buildings in the R1-80 Zone and greater zones, provided that the accessory building complies with all setback and yard requirements of the zone for the main building and that the unit is on the second story of the accessory building and does not displace or reduce the original accessory building's use. No accessory dwelling units are allowed in accessory buildings in the R1-10, R1-20 and R1-40 Zones.
2. Lot size. No less than the legal size as required by the zoning district, except that in the R1-10 Zone, 10,000 square foot lots will qualify if they have been in existence prior to 1970 and/or have been legalized by the Zoning Board of Appeals.
3. Age of principal structure. Any existing house for which a certificate of occupancy has or should have been issued prior to the effective date of this section is eligible. Any new house which has received a certificate of occupancy subsequent to the effective date of this section shall not be eligible for this special permit for a period of two years from the issuance of such certificate of occupancy. The Zoning Board may waive the two-year waiting period in order to allow creation of an accessory apartment for a disabled person or a senior citizen 62 years of age or older, but in no other circumstance.
4. Architectural treatment. The architectural treatment of the structure shall be such as to portray the character of the single-family dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear.
5. Floor area. The usable floor area of the accessory unit shall have a minimum of 400 square feet and a maximum of 800 square feet, except that the area of the accessory unit shall not exceed 33% of the usable floor area of the main building.
6. Bedrooms. There shall be a maximum of two bedrooms in the accessory unit.
7. Parking. One and one half off-street spaces shall be provided for each unit; provided that the existing number of bedrooms is not increased. If the existing number of bedrooms is increased, the Zoning Board may require additional off-street spaces.
8. Ownership. One dwelling unit must be owner-occupied, which must be the larger unit, except for accessory units approved prior to June 1, 1996.
9. Number of accessory dwelling units per lot. There shall be no more than one accessory apartment nor a total of two dwelling units permitted per lot.
10. Permits. A building permit shall be obtained as otherwise required, and a certificate of occupancy must be issued prior to utilization of an accessory unit. No permit shall be issued until the Town Engineer or the Board of Health, whichever is appropriate, has made a written approval regarding the sewage disposal capacity for the unit created.

If your application is granted you may need to obtain a Building Permit and **you must obtain a Certificate of Occupancy** for the accessory unit. These documents will require a re-inspection of your dwelling by the appropriate agencies and the payment of some additional fees.

A permit for an accessory dwelling unit may be valid for a maximum period of three (3) years. After three (3) years you must renew the permit. The permit is not transferable and becomes null and void if you sell your house.

In considering the legalization of existing accessory units created before March 1, 1993, the Zoning Board may consider waiving the following requirements: lot size, one front entrance, floor area and bedrooms.