



As a property owner - Protect your property rights

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Property owners are responsible for monitoring, publications of legal notices, letters from town zoning, planning and town boards which may affect their property. As a property owner you are also responsible for monitoring the condition of the premises and to maintain the property in good order. As an owner of vacant land it's essential that you post your property, monitor the site on a frequent basis in order to protect your self from unwarranted encroachment, trespass or disturbance which may result in environmental destruction , creation of a hazard, or potential liability. Often your neighbors install fences, storage facilities, dump yard waste, excess fill or expand a driveway in violation of your quiet enjoyment. As a result your neighbors encroach upon your property which may result in adverse possession, affect title and boundary lines when preparing your property to sell.

Recently, I was hired as part of a team to submit a request to the zoning board for use variance. This request is governed by a strict standard of rules which a board must adhere to. The financial loss must be proven in order to establish such consideration. Our team included an environmental attorney, civil engineering firm, the owner and myself a real estate broker. During the presentation the attorney profiled the neighborhood, the zoning history, and the position of the owner's request. Our engineer presented a concept plan for development for a duplex and triplex along with elevations and floor plans. The engineer provided an overview of the restrictive nature of the site as it relates to shape, elevation, wetlands, paper streets, rights of way, existing municipal services, power lines & building set backs. As the broker I provided an overall review of the previous marketing experiences, as well as an opinion based upon 35 years of experience both as broker and owner of similar property. This team approach provided the board with a 360 degree from the owner's perspective, while the public comment from the neighborhood provided an alternative vision and perspective to that same board or should I say jury. During the give and take of various board members it became apparent that further exhibits and information were required to meet the standard for a use variance. The alert attorney and team request a delay for the period of time in order to regroup and provide alternative site plan and financial proof necessary for a use variance. We are presently going through a redesign and auditing the financial consideration since the acquisition of the property. At the appropriate time we will present this information to that board for such consideration.

I make mention of this ordeal, because owners fail to comprehend the consequences for failure to respond and act when notices, letters or publications indicate action is necessary. Owners have the responsibility to protect, themselves from governmental changes, aggressive neighbors, or trespassing upon their property. It's a full contact battle over property rights, which owners, government, environmental lobbyist, neighbors, affect your usage and value over your ownership. I continue to maintain a positive attitude, design strategies to protect my clients and engage

colleagues and professionals to do the same.

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