



INFORMATION AND FORMS FOR APPLICANTS

Dear ZBA Applicant:

This packet of information and forms is intended to assist you in presenting your application or appeal to the Zoning Board of Appeals (abbreviated as "ZBA"). If you are filing an appeal because the Zoning Enforcement Officer (or "ZEO") denied your application for a permit or found your property to be in violation of the Zoning Ordinance, you are entitled to a written statement by the ZEO of the reasons.

The ZBA Clerk will assist you in identifying relevant portions of the Zoning Ordinance and identifying the abutters to your property to whom you will need to give notice of your application. The ZBA encourages you to contact your abutters and neighbors to tell them about your plans and to solicit their ideas or concerns. This can avoid unnecessary controversy and delay in acting upon your application.

You will need to fill out the sheet found in this packet entitled "Application to Zoning Board of Appeals" and one of the other three sheets you will find in this packet, depending on whether you are seeking an area variance, a use variance, or appealing a ZEO decision. If you are seeking a special permit for a special permit use, you will need to review the relevant portions of the Zoning Ordinance and provide the required information and drawings. The ZBA Clerk can assist you.

Immediately below are the definitions, standards and considerations applicable to the ZBA. Please review those that apply to the relief you are seeking. You should try to bring to the ZBA's attention all information relevant to these standards and considerations.

1. Area variance – An area variance authorizes a use of land that does not meet in all respects the dimensional or physical limitations of the applicable provisions of the zoning ordinance.

Before deciding whether to grant an area variance the ZBA must weigh the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood or community, and in doing so must consider the following five factors:

- (a) whether the variance will create an undesirable change in the neighborhood or a detriment to nearby properties;
- (b) whether there is a feasible alternative to the applicant to achieve the same purpose;
- (c) whether the requested variance is substantial;
- (d) whether the variance will have an adverse impact on the physical or environmental conditions in the neighborhood; and
- (e) whether the difficulty facing the applicant was self-created.

2. Use variance – A use variance authorizes a use of one’s land for a purpose which is otherwise prohibited by the zoning ordinance.

Before deciding whether to grant a use variance, the ZBA must determine that the applicant has demonstrated that the Zoning Ordinance has produced an unnecessary hardship.

To make this demonstration, the applicant must prove each of the following:

- (a) that no use permitted on the applicant’s land under the zoning ordinance will provide the applicant with a sufficient financial return;
- (b) that the alleged hardship is unique to the applicant’s property and not applicable to a substantial portion of the neighborhood;
- (c) that the variance will not alter the essential character of the neighborhood; and
- (d) that the hardship has not been self-created.

3. Appeal. The ZBA may reverse or modify any determination, including a permit denial, made by the ZEO.

The person appealing a ZEO decision must file his or her appeal within sixty (60) days of the ZEO’s written determination. The person appealing a determination must demonstrate to the ZBA’s satisfaction that the ZEO’s determination was based on errors of fact or errors in interpreting the Zoning Ordinance.