

APPLICATION FOR APPEAL

To: Board of Adjustment
Town of New Boston

Do not write in this space.

Case No. _____

Date filed _____

(signed, clerk)

Name of applicant _____

Address _____

Owner _____

(if same as applicant, write "same")

Location of property _____

(street name, street number, map and lot number)

NOTE: Fill in Section 1, 2, 3, or 4 as appropriate

Do not fill out more than one section.

This application is not acceptable unless ALL required statements have been made.

Additional information may be supplied on a separate sheet if space provided is inadequate.

(Revised 03/22/10)

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement, by the Zoning Enforcement Officer on (date) _____ to (name) _____ in relation to Article _____, Section _____ of the Zoning Ordinance and hereby appeals said decision.

Decision of the Enforcement Officer to be reviewed:

Applicant _____ Date _____
(signature)

Section 3. APPLICATION FOR A VARIANCE

A variance is requested from Article _____, Section _____
of the zoning ordinance to permit _____

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public **interest**:

2. If the variance were granted, the **spirit** of the ordinance would be
observed because: _____

3. Granting the variance would do substantial **justice** because: _____

4. If the variance were granted, the **values** of the surrounding properties would not be diminished: _____

5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.

A. For purposes of this paragraph unnecessary **hardship** means that, owing to special conditions of the property that distinguish it from other properties in the area:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

and

ii The proposed use is a reasonable one because:

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Applicant _____ Date _____
(signature)

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirement is requested from Article _____, Section _____ of the zoning ordinance to permit: _____

1. Does the request involve a dimensional requirement, not use restriction?
 yes no

2. Explain how the violation has existed for 10 or more years with no enforcement action, including written notice, being commenced by the town: _____

-or-

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser: _____

and how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake: _____

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area: _____

4. Explain how the cost of correction far outweighs any public benefit to be gained: _____

Applicant _____, Date _____
(signature)