

Application for Variance

The petitioner, appellant, or agent shall file six copies of a complete and accurate application, petition, or appeal form, together with two required plans and associated material, with the Zoning Board of Appeals.

Please be sure to complete the application carefully as failure to do so may result in your application being denied.

Petitioner

Name: _____

Address: _____

Phone Number: _____



Is this petition an appeal to a denial by the Building Commissioner?
If your answer is yes, please attach a copy of the Building Commissioner's letter of denial to this application

_____ Yes

_____ No



If the petitioner and owner is not the same person, the following section must be completed:

Owner: Name: _____

Address: _____

Phone Number: _____

The owner hereby appoints _____ to act as agent for purposes of submitting and processing this petition for a variance.

Date: _____ Owner's signature: _____



Title to the Property (Required)

The owner's title to the land that is the subject matter of this petition is derived from the deed/will/other of _____, dated _____, and recorded in the Hampshire Registry of Deeds, Volume _____, Page _____ Or as Land Court Certificate of Title No. _____, Registered in _____ District, Volume _____, page _____.

Assessor's Records (Required)

The land shown on the plan is located on Map _____, Lot _____ of the Assessor's records and has an address of _____.

The land is located in the _____ zoning district.



The Plan

(Required, and must be prepared by a Professional Engineer, Licensed Surveyor,
or Landscape Architect, registered in Massachusetts)

Title of Plan: _____

Drawn by: _____

P.E., Licenses Surveyor, or Landscape Architect's Massachusetts
registration #: _____

Date of Plan: _____

Requirements for Plans:

1. Maximum scale of 1"=40' or 1:500 units

2. The plans MUST include the following:
 - a. a north arrow
 - b. names of existing and proposed streets
 - c. indication of zoning district boundaries if property is located in more than one district
 - d. names and addresses of abutters
 - e. property lines and location of buildings on abutting properties and properties across any street or way
 - f. dimensions of the subject property and verified distances from buildings, structures, and uses on abutting properties.
 - g. location of all existing and proposed uses, structures, and buildings on the subject property, principal or accessory.
 - h. location of all existing and proposed entrances, exits, drive-ways, parking, and loading
 - i. existing and proposed contour lines and spot grades
 - j. location on the plan of all signs proposed for the property
 - k. location of sewer, water lines, and other utilities on the subject property
 - l. location of all significant natural features including trees and other vegetation.
 - m. any identified wetlands

- n. setback, side yard, and rear yard dimensions clearly set forth
- o. existing features shown in black; all proposals delineated to stand out
- p. drainage calculations, if applicable

The Chair of the Zoning Board of Appeals may waive any of the above requirements as he/she deems necessary or appropriate in particular cases. Requests for exceptions to these requirements must be submitted in writing to the Chair of the Zoning Board of Appeals in advance of the filing of the application.

When making a formal application for a variance from the Town of South Hadley Zoning Bylaws, the applicant should be aware of these 7 statutory requirements that must **all** be met before the Zoning Board of Appeals may act favorably upon the request. If you need assistance completing this section, please contact the Chair of the Zoning Board of Appeals or the Town Planner.

1. The land or structure that is the subject of the variance is uniquely and specifically impacted by one of the following conditions:

Soil conditions

Shape (oddly shaped; not self-created, and not simply undersized in frontage or area)

Topography

2. The circumstances do not generally affect other land or structures in the zoning district in which the property is located.

3. Due to the circumstances related to the soil, shape, or topography, the petitioner or appellant would suffer a hardship if the zoning is enforced as adopted.

4. The hardship may be financial or another hardship, but it may not be personal and must relate to the soil, shape, or topography of the land or structure.

5. The variance requested may be granted without substantial detriment to the public good.

6. The variance requested may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law.

7. The owner cannot make reasonable use of the property under the existing zoning by-laws.

Signature of petitioner: _____

Date: _____

Date Received by Town Clerk: _____

Signature of Town Clerk: _____

Filing Fee Paid: _____

References:

1. *Variances and Special Permits*, John Whitten, Esq., and Mark Bobrowski, Esq., July 1999, for the Citizen Planner Training Collaborative.
2. *The Zoning Guidebook 2004*, Carol Rolf, Esq., for the Massachusetts Federation of Planning and Appeals Boards.