

# Instructions - Application for an Area Variance

You have applied for a building permit, and the Zoning Enforcement Officer (ZEO) has denied your application because you need one or more area variances. If this is not true, you should contact the ZEO. The Zoning Board of Appeals (ZBA) was created to allow some flexibility in the zoning law for unusual circumstances, but may only act on appeals (for example: a building permit denied for lack of variances).

- The first section of the application is for the applicant to fill out. If the applicant is different than the owner of the property, please attach something to show that the owner wants this variance (the owner's signature on the application will work). It is important to give clear directions to the property, as members of the ZBA will be visiting it (for example: *turn onto XXX Road from YYY Road, it's the second house on the right, it's white with gray trim and a big old maple in front*).
- The next section will be filled out by the ZEO, and he should explain this to you.
- Sections 1 through 7 must be filled out by the applicant

**1) What do you want to do?** - Explain what it is that you want to do; attach to this application a rough plot plan showing what you want to do. A copy of the plot plan submitted under section b) for the Application for Building Permit would work. Without this plot plan we will not be able to proceed.

The plot plan should include:

- (a) An arrow showing the (approximate) direction of North.
- (b) The locations and dimensions of existing and proposed structures, parking areas, roads, utilities, rights-of-way, etc.
- (c) Surrounding land parcels (within 200 feet of property lines), and their usage and zoning.

**2) Why do you need an area variance?** - Explain what the dimensions will be compared to what is required. Schedule E, which has the requirements, should be attached to this application. Explain why you have to locate your project where you want. For example: narrow lot, septic or well in the way, slope of the lot, trees, etc. The ZBA can only act on specific requests - make sure you or the ZEO have listed what variances you want with the dimensions (feet) involved.

**3) Do you believe the variance you are requesting is "substantial", in relation to the requirement(s) in the Zoning Law?** Consider a variance of more than 50% of the requirement to be "substantial". For example: if a sideyard setback of 20 feet is required but you would like a setback of less than 10 feet, that would be "substantial".

**4) If this variance were granted, would it produce any undesirable change in the character of the neighborhood, or would it create a detriment to nearby properties?** The ZBA must balance the advantages to the applicant of granting the request to any disadvantages it might cause to the neighborhood.

**5) Could your difficulty be overcome by any other practical solution, other than an area variance?** The ZBA is only empowered to grant the minimum relief required. Is there some other way to obtain your desired result with less or no variances? Measure twice cut once.

**6) Is your need of a variance self-created?** For example: through lack of planning, you build your house in such a location on your lot that to add an extension would be too close to the property line and require a variance.

**7) Lot coverage calculations.** Calculate the number of square feet of the building(s) (before and after the proposed project), and any other impervious improvements. Impervious improvements are those through which rain water does not drain readily. (For example, paved driveway, sidewalk, covered deck, etc.) This is necessary in order to calculate lot coverage percentage to comply with section 220.15 of the zoning law. (See zoning regulations Exhibit E)