TOWN OF CANTON

LAND USE DEPARTMENT

ZONING BOARD OF APPEALS APPLICATION

NOTES:
1. Land Use Department personnel will assist you in the execution of this application.
2. The Zoning Board of Appeals meet monthly.
3. Per state statute: "Zoning Board of Appeals shall not grant variance unless it can reasonably find that strict application would entail exceptional difficulty or undue hardship on an individual property owner".
4. For definition of Hardship, Variance, etc., see attached.
5. Once this application is accepted, all documents submitted to the Land Use Department will be forwarded to the Zoning Board of Appeals and presented to the ZBA by the Zoning Enforcement Officer at the next regularly scheduled /available ZBA meeting, and the applicant will be given the opportunity to comment. At this meeting the ZBA may request additional documentation.

OFFICIAL USE ONLY

Application # _____ Fee Amount: _____ Fee Paid Y/N

Date Submitted ___/___/___

Action Requested:
☐ **Variance** from Section _____of the Zoning Regulations ($210 fee)
☐ **Appeal** from decision of Zoning Enforcement Official ($135 fee)

Project Street address:_____

Assessor's Map # _____ Lot # _____ Zone _____ Lot Size _____

Land Record Reference to Deed Description: Volume _____ Page: _____

Zoning Official _____ Approved Y/N Date __ /___/___

Property Owner: _____ Phone # _____

Applicant / Agent: _____ Phone # _____

Mailing Address: _____

Email Address: _____

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☐ **Variance,** information required:
This variance relates to: Yard Dimension __ Building Height __ Building Area __ Street Frontage __
Number of Family Units __ Setbacks __ Other __

Describe briefly: _____
_____
_____

a. Strict application of the regulations would produce undue hardship because: _____
_____

b. The hardship created is unique and not shared by all properties alike in the neighborhood because: _____
_____

c. The variance would not change the character of the neighborhood because: _____
_____

☐ **Appeal**, information required:
The decision of the Zoning Official Officer, dated __/__/__ is appealed because: _____
_____

This application will be rejected unless:
☐ a. It is signed by the applicant or owner.
☐ b. It is accompanied by the proper filing fee.
☐ c. It is accompanied by three copies of a land survey worksheet, see attached form.
☐ d. Abutter notices have been issued and land use sign posted for issues requiring a public hearing.

By signing this application, the signer represents as to the owner or applicant, whichever applies, either:
a. If an individual, that the signer is that individual; or
b. If an entity (e.g., corporation, LLC, partnership, trust, association, etc.) that he or she is legally authorized to sign on behalf of that entity.

Owner Name (please print) _____ Owner signature _____ Date: ___/___/___

Applicant Name (please print) _____ Applicant signature _____ Date: ___/___/___

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1.

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2.

ZONING HARDSHIP and VARIANCE CRITERIA DEFINED

A variance requires an applicant to show an "unusual hardship" generally defined as a peculiar or unique condition of the subject property that is not generally found on other lots in the same Zoning District or the surrounding neighborhood, and which would make development in accord with the Zoning Regulations extremely and unusually difficult or prevents a landowner from making a reasonable use of their property in conformance with the Zoning Regulations as written.

3. A. Unusual hardship

1. "Hardship" must be unique and different in kind from those generally affecting properties in the same zoning district.
2. Variances should be limited to where application of the Zoning Regulations greatly decreases or practically destroys property value.
3. Variances should only be granted where the general purpose of the zoning plan will not be undermined.
4. Variances should be based on the condition of the land NOT the owner.

4. B. What is not a hardship

1. Personal preferences, emotions and needs related to circumstances of an applicant and their family.
2. Conditions that are self-created or a result of an action taken by a present or past owner.
3. Claiming that a variance is "de-minimis".

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5. C. Variances – Granting of a Variance should be limited to extraordinary situations, a variance:

1. Must be in harmony with the general purpose and intent of the zoning regulations.
2. Must consider the public health, safety, convenience, welfare and property values.
3. Must be given only for parcels with unusual conditions of exceptional difficulty or unusual hardship.
4. Cannot be allowed if regulations provided that certain uses are not permitted by variance.

6. D. Criteria the ZBA must consider when deciding whether to issue a variance:

1. Does the applicant have reasonable use of the property without the variance – is the property unusable or unbuildable without the granting of a variance?
2. Do extraordinary physical conditions peculiar to and inherent in the specific subject property amount to more than a mere inconvenience to the owner, and do those conditions arise out of the lot rather than the personal situation of the current owner of the lot?
3. Is the alleged hardship the result of or caused by action of the owner (present or past)?
4. Will adherence to the Zoning Regulations deprive the applicant of substantial rights commonly enjoyed by owners of other lots subject to the same provision?
5. Will granting a variance result in a use or development of the subject property that would not be in harmony with the general and specific purposes of the applicable Zoning Regulations, Zoning District or surrounding neighborhood?
6. Will granting a variance alter the essential character of the locality?

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LAND USE DEPARTMENT

LAND SURVEY WORK SHEET

Property address: _____ Date: ___ / ___ / ___

Reason for survey: _____

The purpose of this work sheet is to provide the land owner with a list of items that should be included on a survey for submission to the Land Use Department, for the reason stated above. Every effort will be made to identify all requirements, but more information may be required in the future.

An existing survey may be used and modified as necessary for a submission, but must meet the requirements of a new survey.

Required information for all surveys:

1. North arrow
2. Graphic scale
3. Site address
4. Owner's name
5. Site location sketch
6. Legend of symbols and abbreviations

Numbers circled indicate additional required information:

1. A2 level of accuracy.
2. Boundary survey in accordance with American Land Title Association/American Congress on Surveying and Mapping standards.
3. Show zoning designation, setback requirements and area of property.
4. Identify street location.
5. Locate and describe existing structures.
6. Locate and describe existing structures on adjacent properties within _____ feet of property lines.
7. Locate and describe all new structures and improvements.
8. Show easements and rights-of-ways.
9. Show flood zones.
10. Identify wetland locations.
11. Show contours at (select one) 1', 5', 10' intervals.
12. Show utility information.
13. Locate trees greater that 6" in diameter.
14. Show rock outcroppings.
15. Other information required: _____

_____