

Town Use Only

Case # _____

Date Filed: _____

TOWN OF MASON ZONING BOARD OF ADJUSTMENT

APPLICATION FOR APPEAL

Name of Applicant(s): _____

Mailing Address: _____

Property Owner(s): _____

(if same as applicant, write "same")

Tax Map/Lot No. of Property: _____

(from tax bill or tax map)

Zoning District of Property: _____

(if property is in more than one district, state each district)

Location of Property: _____

(street or road, house number, intersection, etc.)

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NOTE: Fill in Section 1, 2, 3, or 4 as appropriate. This application will be returned as "incomplete" unless all required statements are completed and required plans submitted. Additional information may be supplied on a separate sheet if the space provided is insufficient.

Section 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal from a decision of the Board of Selectmen, Building Inspector, or others relating to the interpretation or enforcement of the Zoning Ordinance.

Date of decision appealed from: _____

Board or office making decision: _____

Brief description of decision: _____

Why do you believe the decision is in error? _____
(attach additional sheets if necessary)

Specific section of ordinance that applies to your appeal: _____

You **MUST** attach a copy of the written decision, if any, that you are appealing from, and a copy of your complete original application to the board or official appealed from, together with any documents you submitted to the board or official in support of your application.

Section 2. APPLICATION FOR A SPECIAL EXCEPTION

Detailed description of proposed use (including type of business and maximum number of employees, if applicable):

Specific section of zoning ordinance authorizing a special exception for your proposed use:

Applicants for a Special Exception under Article VIII, Section A(2) of the Mason Zoning Ordinance must be prepared to address each of the standards set forth in Article VIII, Section A, 2, d, (A) and the factors that the Zoning Board of Adjustment must consider under Article VIII, Section A, 2, d, (B).

Applicants for a Special Exception under Article XVI, E, 1, relative to wetlands, must be prepared to show that the special exception is specifically allowed under Article XVI, E, 1, is essential to the productive use of the land, and that the proposed improvement is located and will be constructed to minimize its detrimental impact, if any, on the wetlands.

Applicants for a Special Exception under Article XVI, E, 2, relative to wetlands, must be prepared to show that the proposed use or structure is specifically allowed under Article XVI, E, 2, will not conflict with the purpose and intentions of the Mason Zoning Ordinance, and that except for the restrictions of Article XVI, the proposed use or structure is otherwise permitted by the Mason Zoning Ordinance.

Section 3. APPLICATION FOR A VARIANCE

A variance is requested from Article _____, Section _____ of the Mason Zoning Ordinance.

Please describe the project for which you require a variance: _____

Please fill in the following:

I. Granting a variance will not be contrary to the public interest because: _____

II. Denial of the variance will cause unnecessary hardship:

1. because the zoning ordinance interferes with my reasonable use of the property, considering the unique setting of the property in its environment, in the following ways: _____
_____;

2. no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on my property because: _____
_____, and;

3. the variance will not injure the public or private rights of others, because: _____
_____.

4. A variance is required to enable my proposed use of the property because of the following special conditions of the property: _____
_____, and;

5. the benefit I seek cannot be achieved by some other method reasonably feasible for me to pursue, other than a variance, because: _____
_____.

III. A variance would be consistent with the spirit of the zoning ordinance because: _____
_____.

IV. Substantial justice would be done by granting a variance because: _____
_____.

V. The proposed use will not diminish the value of surrounding properties, because: _____
_____.

Section IV. APPLICATION FOR A WAIVER OF RESIDENTIAL ROAD FRONTAGE REQUIREMENTS.

Describe the unusual condition of street curvature causing the need for a waiver of the residential road frontage requirement: _____.

State the average width of the proposed lot: _____.

Section V. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS.

An equitable waiver of dimensional requirements is requested from Article ____ Section ____ of the Mason Zoning Ordinance to permit _____
_____.

1. Does the request involve a dimensional requirement, not a use restriction? () Yes () No
2. Explain how the violation has existed for 10 years or more 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 the 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 the future uses of other property in the area _____

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

ALL APPLICANTS

Please submit the following with your application:

1. A complete abutter's list on the attached form, with certified mailing, return receipt requested envelopes, as required by the Mason Zoning Board of Adjustment Rules of Procedure; **SEE RULES OF PROCEDURE FOR DEFINITION OF ABUTTER.**

2. Five (5) copies of a detailed plat, plan or sketch, to scale, showing:

- a. the entire parcel of property that is the subject of the appeal;
- b. all existing improvements on the property, including but not limited to, buildings, wells, ponds, septic system, driveways and significant man made and natural features;
- c. wetlands on the property;
- d. the proposed building and/or improvements, including ingress, egress, parking areas, and appurtenances;
- e. existing and proposed easements on the property;
- f. the building setback lines (see Zoning Ordinance);
- g. all public roads and highways that the property abuts, and all public roads and highways within 200' of the intersection of any existing or proposed driveway with a public way.
- h. North arrow, bar scale and legend.

3. The filing fee required by the Mason Zoning Board of Adjustment Rules of Procedure.

4. **IF APPLICANT IS NOT THE PROPERTY OWNER**, a statement signed and dated by the Property Owner stating that the Applicant is authorized to make the application as completed.

APPLICANTS ARE ASSUMED TO BE FAMILIAR WITH THE MASON ZONING ORDINANCE AND THE RULES OF PROCEDURE OF THE MASON ZONING BOARD OF ADJUSTMENT. IT IS STRONGLY ADVISED THAT THE APPLICANT REVIEW THEM PRIOR TO FILING AN APPLICATION FOR APPEAL.

Signed this _____ day of _____, _____, by:

Applicant _____ Please print name: _____
(signature)

Applicant _____ Please print name: _____
(signature)

Case # _____

Date Filed: _____

TOWN OF MASON
ZONING BOARD OF ADJUSTMENT
ABUTTER LIST FOR APPLICATION FOR APPEAL

Tax Map/Lot(s) _____

Name of Applicant(s): _____

Property Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code _____

Name of Agent, Representative or Counsel: _____

Address: _____

City: _____ State: _____ Zip Code _____

Abutter Tax Map/Lot(s): _____

Abutter Name(s): _____

Mailing Address: _____

City: _____ State: _____ Zip Code _____

Abutter Tax Map/Lot(s): _____

Abutter Name(s): _____

Mailing Address: _____

City: _____ State: _____ Zip Code _____

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Mailing Address: _____

City: _____ State: _____ Zip Code _____

Abutter Tax Map/Lot(s): _____

Abutter Name(s): _____

Mailing Address: _____

City: _____ State: _____ Zip Code _____

Attach additional sheets as needed.