

Action Date: _____

ZBA action: _____



SALEM ZONING BOARD OF APPEALS APPLICATION FORM

PLEASE PRINT

Applicant(s): _____ Phone: _____

Mailing Address: _____

Owner(s): _____ Phone: _____

Mailing Address: _____

PROPERTY LOCATION: _____

Map Lot Zone Lot Size



**APPEAL OF AN ALLEGED ERROR IN THE ZONING ENFORCEMENT OFFICER'S
ACTION OR FROM A DECISION OF THE ZEO UNDER SECTION(S) _____**

OF THE SALEM ZONING REGULATIONS.

When an applicant enters an appeal charging the Zoning Enforcement Officer (ZEO) with an error or an incorrect decision, *a)* the ZEO's order and *b)* a detailed explanation of the claimed error must be attached to this form or the application will be incomplete and therefore will not be heard. (For complete requirements see page 2.)

NOTE:

An applicant has only fifteen (15) days from the date of the ZEO's order or decision in which to file an appeal.



**VARIANCE OF SECTION(S) OF THE SALEM ZONING
REGULATIONS.**

NOTE:

- Variances can be granted by the Board only when "exceptional difficulty or unusual hardship" is shown to result from applying the Zoning Regulations to a specific parcel of land.

- A hardship is a peculiar or unique feature of a particular piece of property that prevents the landowner from making a reasonable use of the property in conformance with the existing Zoning Regulations. A hardship has nothing to do with the personal circumstances of the landowner. The fact that the owner might be able to make a more convenient, attractive or profitable use of the land if it were not for the Zoning Regulations does not equate to hardship. Proof of a hardship is a legal requirement for a Zoning Board of Appeals to issue a variance. Agreement of neighbors, or lack of opposition, does not affect the necessity for the applicant to prove there is a hardship.
- A hardship must arise directly out of the application of the Zoning Regulations to circumstances or conditions beyond the control of the party involved. The hardship must be unique; that is, it must be a result of the Zoning Regulations which is substantially different from the restriction imposed by the Zoning Regulations on other properties in the zone.
- In addition, a variance may not be granted where it would be inconsistent with a general purpose and intent of the Zoning Regulations. A variance must still be in harmony with the general intent of the Comprehensive Plan and must not adversely affect public health, safety, or welfare.

DESCRIPTION OF AFFECTED PROPERTY/EXPLANATION OF HARDSHIP: (State clearly in words, with sketches, plans, etc. the basis, circumstances and hardship for this appeal. Use additional sheets if necessary.)

**COMPLETE APPLICATION REQUIREMENTS FOR
AN APPEAL OR A VARIANCE**

The Salem Zoning Board of Appeals conducts meetings, on an as-needed basis, on the fourth Thursday of the month at 7:30 pm at the Salem Town Office Building, 270 Hartford Road. An application will be scheduled for public hearing when all of the application requirements listed below have been completed. The complete application must be submitted at least twenty (20) days prior to the meeting at which it will be heard in order to meet legal notice requirements. **Applications which do not meet the following requirements will not be accepted.**

- 1) One (1) original and eight (8) copies of the completed application form signed and dated by the owner and applicant (if other than the owner).
- 2) One (1) original and eight (8) copies of the site plan or drawing of the property described in the Variance Application showing precise locations of buildings, property lines, proposed improvements, etc.
- 3) One (1) original and eight (8) copies of any other information being submitted with the application.

- 4) A copy of the deed and legal description of the property. (Attainable from the Town Clerk.)
(Items 1), 2), 3) and 4) should be submitted as nine (9) packages; one for each Board member and a file copy.)
- 5) An application fee of \$400.00 (\$340.00 + a non-refundable \$60.00 State fee) payable to the Town of Salem.

AFTER THE APPLICATION HAS BEEN ASSIGNED A PUBLIC HEARING DATE:

- 1) The applicant shall prepare a list of all property owners and addresses within five hundred (500) feet of the property location requested for variance. (This list can be prepared using information attainable in the Assessor's Office.)
- 2) The applicant shall mail notification of the pending application (notification shall consist of a copy of the Legal Notice of the public hearing provided to the applicant by the ZBA) to at least one (1) owner of each property on the above list not less than ten (10) days prior to the date of the public hearing.
- 3) Evidence of such mailing shall be submitted in the form of US Postal Service Certificates of Mailing to the Administrative Assistant for Land Use/Commissions, along with the above said list of property owners, not later than seven (7) days prior to the hearing date.

This application, accompanied by the appropriate fee, should be forwarded to the Administrative Assistant for Land Use/Commissions in the Administrative Office at the Salem Town Office Building. If the applicant or a designated representative is not present at the public hearing, the Board may deny the application, begin and recess the hearing, or reschedule the hearing on condition of payment of an additional fee to cover the cost of additional legal noticing.

Applicants signature(s): _____ Date: _____
_____ Date: _____
Property Owners signature(s): _____ Date: _____
_____ Date: _____
(If other than applicant)

FOR OFFICE USE ONLY:

Application/Permit Number: Fee: Receipt Date:
Hearing Date: