

**APPLICATION FOR APPEAL**

To: Board of Adjustment,

Town of Middleton

Name of applicant

\_\_\_\_\_

Address

\_\_\_\_\_

Owner

\_\_\_\_\_

(if same as applicant, write "same")

Location of property

\_\_\_\_\_

(street, number, map & lot number)

NOTE: Fill in Section 1, 2, 3 or 4 as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

**Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION**

Relating to the interpretation and enforcement of the provisions of the zoning ordinance.  
Decision of the enforcement officer to be reviewed

\_\_\_\_\_

\_\_\_\_\_ Number \_\_\_\_\_ Date \_\_\_\_\_

article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance in question:

\_\_\_\_\_

\_\_\_\_\_

**Section 2. APPLICATION FOR A SPECIAL EXCEPTION**

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article \_\_\_\_\_ section

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do not write in this space
Case No. _____
Date Filed _____
_____
(signed – ZBA)

**Section 3. APPLICATION FOR USE OR AREA VARIANCE**

A variance is requested from article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance to permit

---

---

---

Facts supporting this request:

1. The proposed use would not diminish surrounding property values because:

---

---

2. Granting the variance would not be contrary to the public interest because:

---

---

3.1 **Use Variance** only: Denial of the variance would result in unnecessary hardship to the owner because:

a. the zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that:

---

---

b. that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because:

---

---

c. the variance would not injure the public or private rights of others since:

---

---

3.2 **Area Variance** only: Denial of the variance would result in unnecessary hardship to the owner because:

a. the following special conditions of the property make an area variance necessary in order to allow the development as designed:

---

---

---

b. the same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because

---

---

---

4. Granting the variance would do substantial justice because:

---

---



5. The use is not contrary to the spirit of the ordinance because:

---

---

**Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

An Equitable Waiver of Dimensional Requirements is requested from article \_\_\_\_\_ section \_\_\_\_\_ of the 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 an 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 future uses of other property in the area

---

---

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

---

---

Applicant \_\_\_\_\_ Date \_\_\_\_\_

(Signature)

---