



Town of Conway, Massachusetts

P.O. Box 240, Conway, MA 01341

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ZONING BOARD OF APPEALS – PETITION FOR VARIANCE

Time for acting on this petition will not commence until you have completed all items on this petition and filed it with the Town Clerk, along with payment of \$160.00 for advertising and notifications.

ADDRESS OF PROPERTY AFFECTED:

PETITIONER:

Name: _____

Address: _____

Contact information (phone number and/or email address): _____

OWNER (IF NOT THE SAME AS THE PETITIONER):

Name: _____

Address: _____

Contact information (phone number and/or email address): _____

I, _____, owner of the property concerned, hereby appoint
_____ (name of person appointed) to act as my agent for the purposes of
submitting and processing this petition for a variance.

COMMONWEALTH OF MASSACHUSETTS - Franklin ss.

_____, 20__

Then personally appeared the above named _____ and acknowledged
the foregoing appointment instrument to be their free act and deed, before me.

Notary Public/Justice of the Peace

My commission expires _____

TITLE TO THE PROPERTY:

The owner's title to the land that is the subject of this petition is derived from the deed/will/other of

_____, dated _____, and recorded in the Franklin Registry of
Deeds, Book _____, Page _____ on (recording date) _____.

ASSESSORS' RECORDS:

The land that is the subject of and is shown on the plan in this petition is located on Map _____, Lot _____ of the
Assessors' records.

ZONING REQUIREMENTS:

The subject land is located in the _____ zoning district.

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The subject land is located in the _____ zoning district.

THE VARIANCE REQUEST

Relief/variance is requested from which Section(s) of the Zoning Bylaw? _____

Description of relief requested:

Purpose of requesting relief (what do you want to do?):

THE PLAN: Attach a separate sheet or draw here a detailed, scaled plan of the section of the property affected and everything within 200' of the requested relief site, showing the boundaries, all structures on this or abutting properties, public ways, any bodies of water, trees or permanent plantings, and the proposed changes for which variance is requested. Also attach a copy of the original Building Permit Application and its notice of denial.

Scale: _____ Drawn by: _____ Date: _____

FINDINGS (whv/how does your petition qualify for variance in relation to these criteria?) Hardship - related to soil conditions, lot shape, topography:

Proposal will not be a substantial detriment to the public good:

Proposal will not nullify or substantially derogate from the intent and purpose of the ordinance by-law:

In your opinion, is it physically possible to accomplish this proposal on any other location on the property where it would comply with the zoning by-law? Please explain your answer.

Signature of Petitioner

Date

Do not write below this line. _____

Clerk's signature

Date Time received

Received by Town Clerk:

() **With application, payment of \$160.00 has been received for advertising and notifications.**

Received by Zoning Board of Appeals: _____

Date Complete? 65 days 100 days

Site visit: _____ Hearing Date: _____ Posted: _____ Ads: _____

Rec'd check # _____ for \$ _____ Turned Payment over to Treasurer: _____

NO ONE IS ENTITLED TO A VARIANCE

Although each case should be analyzed on its own merits, the Courts rarely uphold the grant of a variance. The Courts have found that the following arguments related to hardship did **not support** the grant of a variance (Massachusetts Federation of Planning and Appeals Board 1960; Rev. 1969, 1973, 1988, 1997, 2004):

- *Frontage on two streets*
- *Split-zoned lot*
- *Undersized lot*
- *Only way to make profitable use of property*
- *Shortage of housing for large families*
- *Mistake in construction and too costly to raze structure that violates zoning*
- *Spent substantial money in building without a permit*
- *Pre-existing zoning violation*
- *Creation of nonconforming lot by division of land and conveyance of one lot to another person*
- *Other nonconforming uses or structures in neighborhood*
- *Property is located next to another district or use*
- *Neighborhood is changing*
- *Want to expand pre-existing, nonconforming use onto adjacent lot just purchased*
- *Was told could use property for a particular use*
- *Need access to business across residential property*
- *Rezoning*
- *Eminent domain taking to support use variance*
- *Lot is triangular shaped and has no frontage and thus a residential use should be permitted in an industrial zone*
- *Lot is undersized because it is located on a cul-de-sac*
- *The proposed use is desirable*
- *The proposed use will increase property taxes in the municipality*
- *Health of property owner*
- *Poor financial condition of property owner*