



**REQUEST FOR AN AREA VARIANCE**  
**From the Town of North Harmony**  
**Zoning Board of Appeals**

**I. AREA VARIANCE DEFINED** – Persons seeking Area Variances request relief usually of a dimensional nature from such zoning requirements as; yard requirements, setback lines, lot coverage, frontage requirements and density regulations. The courts have held that an Area Variance may be granted upon showing of **practical difficulty**.

**II. WHEN TO USE THIS FORM** – If a person feels himself aggrieved by a decision of the Zoning Officer or Building Inspector (i.e. Building Permit(s) denied on the grounds that the proposed structure would overlap the side yard) that person is able to appeal this decision by requesting an Area Variance from the Zoning Board of Appeals.

**III. NAME OF APPLICANT:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**IV. PROPERTY IDENTIFICATION # (TAX MAP#)** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_

**V. PROJECT DESCRIPTION:** \_\_\_\_\_

\_\_\_\_\_

**SKETCH:** Show the size of the lot, adjacent streets, position of the proposed addition or change, existing structures, etc.

Additionally, show slopes or other obstructions which make it difficult to comply with the Zoning Ordinance.

**VI. REASON FOR BUILDING/ZONING PERMIT DENIAL (Refer to Zoning Ordinance):**

A. Dimension requested (specify): \_\_\_\_\_

Does not conform with Zoning Ordinance Section \_\_\_\_\_ requirements (specify) \_\_\_\_\_

B. Building/Zoning Permit was denied \_\_\_\_\_ **20** \_\_\_\_\_ Building/Zoning Permit was requested \_\_\_\_\_ **20** \_\_\_\_\_

**VII. CONSIDERATIONS:** The burden of proof that the variance requested is necessary and should be allowed is upon the applicant, not the local Zoning Board of Appeals. The following are some considerations which will guide the Zoning Board of Appeals in determining unnecessary hardship. **The more complete the answers, the easier a determination will be facilitated.**

*(Please answer yes or no to each question and provide additional information where necessary or pertinent.)*

A. Does the Area Variance request differ substantially in relation to the existing zoning requirements? **Yes** \_\_\_\_\_  
**No** \_\_\_\_\_ **Comments:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. If the Area Variance is allowed, will there be an increased population density creating new burdens on available public facilities and services (i.e. fire, water, sewer, roads, etc.)? **Yes** \_\_\_\_ **No** \_\_\_\_ **Comments:** \_\_\_\_\_

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C. If the Area Variance is allowed, will the resultant change in character of the neighborhood create a substantial detriment to the adjoining properties? **Yes** \_\_\_\_ **No** \_\_\_\_ **Comments:** \_\_\_\_\_

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D. Do other feasible methods exist that the applicant might wish to pursue which would achieve similar results to those sought in the preliminary request? **Yes** \_\_\_\_ **No** \_\_\_\_ **Comments:** \_\_\_\_\_

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E. In view of the manner in which the difficulty arose, and considering all of the above factors, will justice be served in allowing the variance? **Yes** \_\_\_\_ **No** \_\_\_\_ **Comments:** \_\_\_\_\_

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**VIII. HEARING** – The Zoning Board of Appeals regular hearing date is the 4<sup>th</sup> Wednesday of each month at 7:30 PM. All requests to be on the agenda must be received no later than 14 days prior to the scheduled hearing date. Written notification of the date and time will be sent to the applicant.

**IX. SIGNATURE OF APPLICANT:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_ **\$25 FEE: Paid** \_\_\_\_\_ **Not Paid** \_\_\_\_\_

**NOTICE TO APPLICANT:**

**TEN(10) COMPLETE COPIES OF BUILDING PERMIT REQUESTS REQUIRING ANY TYPE OF VARIANCE OR SPECIAL PERMIT TO BE HEARD BY THE ZONING BOARD OF APPEALS MUST BE SUBMITTED TO THE ZONING CEO OR TOWN CLERK AT LEAST 20 DAYS PRIOR TO THE HEARING DATE. EACH COPY SHOULD INCLUDE THE FOLLOWING (COPIES MAY BE TWO SIDED AND REDUCED AS NECESSARY):**

- **FULLY COMPLETED AND SIGNED** APPLICATION FOR BUILDING AND ZONING PERMIT
- **FULLY COMPLETED AND SIGNED** APPLICATION FOR VARIANCE / SPECIAL PERMIT
- SUPPORTING DOCUMENTATION (I.E. PHOTOS, DRAWINGS, MAPS, ETC.)

*The Town of North Harmony Zoning Ordinance is available online at [www.townofnorthharmony.com](http://www.townofnorthharmony.com)*