

**ZBA Application -- Appendix 1**

Application Number 20\_\_\_\_ - \_\_\_\_

**REQUEST FOR FINDING OF FACT – VARIANCE**

Now comes the petitioner \_\_\_\_\_ who has petitioned the Longmeadow Zoning Board of Appeals (the Board) for a variance for property located at:

\_\_\_\_\_

And asks that the Board make the following findings of fact:

1. That the following circumstances relating to the soil conditions, shape, or topography exist, and especially effect the land or structure/s in question, but do not effect generally the zoning district or neighborhood in which the land or structure/s are located:

a. \_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_

c. \_\_\_\_\_  
\_\_\_\_\_

2. That a literal enforcement of the provisions of the Longmeadow Zoning By-Laws would involve substantial hardship, financial or otherwise, to the petitioner for the following reason/s:

a. \_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_

c. \_\_\_\_\_  
\_\_\_\_\_

3. That I/we believe that desirable relief may be granted without substantial detriment to the public good for the following reasons:

a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. That I/we believe that the desired variance may be granted without nullifying or substantially derogating from the intent and/or purpose of the Longmeadow Zoning By-Laws for the following reasons:

a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, (M.G.L. CHAPTER 40A, SECTION 6) DO NOT ALLOW THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIRMENTS LISTED IN 1. THROUGH 4. ABOVE, ARE SATISFIED.**

Respectfully submitted: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 10.

## VariANCES

*Variance Cannot be  
Granted Unless  
Permit Granting  
Authority  
Specifically Finds  
that All Conditions  
Have Been Met*

*Use Variance Must  
be Expressly  
Authorized by  
Ordinance or  
By-law*

*Variance Cannot  
be Conditioned  
on Continued  
Ownership*

*Rights Authorized  
by Variance Must  
be Exercised Within  
One Year*

The permit granting authority shall have the power after public hearing notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided however, that such variances properly granted prior to January first, nineteen hundred and seventy-six but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

The permit granting authority may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance they shall lapse, and may be reestablished only after notice and a new hearing pursuant to this section.

*Added by St. 1975, c. 808, s. 3; Amended by St. 1977,  
c. 829, s. 4b*

of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

Added by St. 1975, c. 808, s. 3; Amended by St. 1977, c. 829, s. 4b; St. 1984, c. 195.