

**Town of Maryland
Zoning Board of Appeals**

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Application for Variance

This form is to be used by an aggrieved party who appeals to the Board seeking a variance from the strict application of the requirements of the Zoning Ordinance. Such appeal can be filed only when the Zoning Enforcement Officer or the Town Planning Board has made an order, requirement, decision or determination, which causes the applicant to seek relief in the form of a variance. The applicant is responsible for complying with established ZBA rules and procedures, which are available for inspection from the ZBA secretary. Appeals must be filed within 30 days of receipt of notice of the Zoning Enforcement Officer's decision.

Instructions: Complete this application in full.
Enter NA when non-applicable. Applications,
complete with fees, shall be filed with the ZBA.

Office Use Only

Application No. _____
Date of Appeal _____
Official Date of Receipt _____
Date of Public Hearing _____
Date of Final Action _____
Date of Filing Decision _____
with the Town Clerk _____

To the Zoning Board of Appeals:

A. Statement of Ownership and Party of Interest:

1. The applicant(s) _____

Tax Map Parcel No. _____

2. The above-described property was acquired by the applicant on: _____

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B. Basis for Request:

I, the applicant, hereby appeal to the Zoning Board of Appeals from the decision Of the Zoning Enforcement Officer relative to my application for Building Permit Number _____ or certificate of Occupancy Number _____, whereby the Zoning Enforcement Officer did deny my Application for said permit/document for the following proposed activity:

This denial was made because of a violation(s) of requirement of the Zoning Ordinance section number(s) _____. This appeal is made for a use variance and/or area variance.

- Use Variance
- Area Variance

ALL applicants are to complete the following and submit with application.

- Record the Zoning District Classification _____
- Record the Proposed Use _____
- Record the Date of Zoning Enforcement Officer's decision: _____
- Attach a Sketch Plan
- Attach the Notice of Denial issued by the ZBO (form ZEO – 2).

Attach a completed Part I of the Environmental Assessment Form (EAF) using the (check one) () short form, or () long form, if the application is for any Use Variance or for any Area Variance, except those involving setback or frontage reductions.

C. Variance Application:

1. Only applicants for a USE VARIANCE are to complete this section:

A Use Variance may be granted only upon the applicant showing that the literal application of the Zoning regulations will result in “unnecessary hardship” which is shown only if the applicant can pass each of the following criteria:

- a. Establish that the land in question cannot yield a reasonable return for any of the uses allowed in the Zoning District. Such proof must be expressed in dollars and cents.

- b. Establish that the situation is due to unique circumstances and not to the general condition in the neighborhood.

- c. Establish that your proposal, if authorized, will not alter the essential character of the locality.

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C. Variance Application (continued):

2. Only applicants for an AREA VARIANCE complete this section:

a. State what type and size of an Area Variance you are requesting:

b. Area Variance may be granted only upon the applicant establishes that the literal application of the Zoning Regulations will result in “practical difficulty” which is shown only if each of the following three (3) tests are passed:

1. Establish that unless an Area Variance is granted, that you will suffer “a significant economic injury”.

2. Establish that the particular restriction is not related to the public health, welfare, and safety and that the Area Variance, if granted, will not adversely affect the surrounding community.
