

GENERAL PROCEDURE FOR APPLICATION FOR A VARIANCE  
SOUTHWICK BOARD OF APPEALS

1. If not property owner, documentation certifying legal interest and right to file must accompany application.
2. Application must be on an official application form listing all information pertaining to this variance and listing section of zoning bylaw affected. These in particular must be listed:
  - a. The conditions especially affecting this property which do not affect generally the zoning districts in which it is located.
  - b. Facts which make up the substantial hardship, financial, or otherwise, which results from strict enforcement of the zoning restrictions.
  - c. Facts to support a finding that the variance will be desirable and without substantial detriment to the public good.
  - d. Facts to support that the variance will not nullify or substantially derogate from the intent or purpose of the zoning bylaws.

<p>3. Two (2) copies of the application must be submitted, accompanied by two (2) copies of sketches, diagrams, or plans that show clearly the nature of the specified request. The document shall have north point, names of streets, zoning districts, property lines, dimensions of the subject lot, location of buildings (also on abutting property), parking areas, driveways, and all other information pertinent to the application. All changes requested shall be clearly identified.</p>
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4. Applications shall be accompanied by a list of names and addresses of all abutters and abutters to abutters. The owner of the land opposite side of the street or way is considered an abutter.
5. An applicant may appear in his own behalf or be represented by an attorney. If the petitioner is not present at the hearing and is represented by an agent, that representative must have the petitioner's permission to represent him at the hearing, in writing, to be presented to the Board at the time of the hearing. In the absence of an appearance without due cause being indicated by the applicant, the Board will decide on the matter using information it has or dismiss the application at its discretion.
6. There is a filing fee of a \$125.00 check in the name of the Town of Southwick, effective December 30, 2013.
7. Applicant must file notices of approval with Hampden County Registry of Deeds before variance takes effect.
8. Reapplication. In order to have a petition which has been unfavorably acted upon by the Board reconsidered within two years, the petitioner must request permission from the Planning Board. All but one of the members of the Planning Board must consent to the reapplication under General Laws, Chapter 40A, Section 20. If the Planning Board consents, the petitioner must reapply to the Board of Appeals in the prescribed manner.
9. Any advice, opinion, or information given by any Board member or any other official or employee of the Town shall not be binding on the Board. Because of the annoyance caused by individuals appealing personally to members of the Board, it is declared to be the policy of the Board to discourage any such personal appeals.

(THIS FORM TO BE FILLED WITH THE TOWN CLERK)

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF SOUTHWICK

TO THE BOARD OF APPEALS

.....20.....

The undersigned hereby petitions the Board of Appeals to vary the terms of the Zoning By-Laws of the Town of Southwick as amended at the premises located at

Street Address

In the following way or any limitation, extension, change, alteration, or modification of use, or method of use as may at hearing at hearing as necessary or proper in the premises.

Type of Variance Requested (Circle All That Apply)

	Front Setback	Rear Setback	Side Setback
Variance Requested:	_____ FT	_____ FT	_____ FT

Be Sure to Get Correct Zoning of Your Property to be Sure of Dimensions Needed.

State Briefly Reasons for Variance

\*If additional space is required, please use reverse side of this application.

Petitioner.....

By.....

Address.....

Telephone Number.....

**PROCEDURE FOR VARIANCE**  
(UNDER G.L. 40A, SECTION 10)<sup>1</sup>

\*As included in C. 808 of Acts of 1975  
Town - City  
By aw - Ordinance

