

## **INFORMATION SHEET MAKING AN APPEAL**

1. An appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.
  
2. For a variance appeal the applicant shall submit:
  - a. A sketch drawn to scale showing lot lines, location of existing building and other physical features pertinent to the variance request.
  - b. A concise written statement stating what variance is requested.
  - c. A “justification of variance” statement as detailed below.
  - d. A complete abutters list (provided on page 3).
  - e. A sketch drawn to scale (page 4).
  - f. A non-refundable payment for **\$175.00** to cover advertising and administrative costs. Mailing and postage to abutters will be extra and the amount is due before the Public Hearing.
  
3. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board, all the papers specifying the record of the decision appealed from.

### **JUSTIFICATION FOR VARIANCE**

In order for a variance to be granted, the applicant shall provide to the Board of Appeals a written explanation that the following items are true:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
  
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
  
3. That the granting of a variance will not alter the essential character of the locality; and
  
4. That the hardship is not the result of action taken by the applicant or a prior owner. Such hardship may be found by the Board of Appeals where the Land Use Ordinance, as applied to the property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonable be put. Mere inconvenience to the property owner shall not satisfy this requirement. Neither financial hardship alone nor pleading that a greater profit may be realized from the applicant’s property were a variance granted shall be sufficient evidence of unnecessary hardship.



**TOWN OF BERWICK**  
APPLICATION FOR VARIANCE OR APPEAL  
TO BOARD OF APPEALS

Name of Applicant \_\_\_\_\_

Mailing Address \_\_\_\_\_

City or Town \_\_\_\_\_ State \_\_\_\_\_

Name of Owner \_\_\_\_\_ Telephone \_\_\_\_\_

Location of Property \_\_\_\_\_

Assessors Map # \_\_\_\_\_ Lot# \_\_\_\_\_ District \_\_\_\_\_

**Please choose one of the following three:**

1. Administrative Review – Review of alleged erroneous decision of Code Enforcement Officer with regard to application for a Permit, denied on \_\_\_\_\_ 20\_\_\_\_.

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2. Interpretation of the Ordinance

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3. Variance

a. Nature of Variance: Describe generally the nature of the variance.

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In addition, a sketch plan drawn to scale, of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

I certify that the information contained in this application and its supplements is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**SKETCH DRAWN TO SCALE**

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**ROAD**

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**For Berwick Planning Office to Complete**

Date Received \_\_\_\_\_ Non-Refundable Fee Paid \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Date of notice in newspaper \_\_\_\_\_

Decision of Board of Appeals: Approved \_\_\_\_\_ Denied \_\_\_\_\_

If Application denied, reason for denial \_\_\_\_\_

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If approved, the following conditions and safeguards were prescribed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Signed by members of the Board of Appeals

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_____	_____
_____	_____