

FORM A3: VARIANCE

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Town of Middleton Zoning Board of Appeals

This form must be submitted with the application for each variance requested by a petitioner.

The power of the Board of Appeals to grant a Variance from the literal application of the Zoning Bylaw is strictly limited by State Law. Under [MGL, Chapter 40A, Section 10](#), the Board of Appeals must “specifically find” for a particular piece of land or a specific structure 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 ... by-law would involve substantial hardship, financial or otherwise, to the petitioner ... , 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 bylaw.” (emphasis added.) Thus, Under State Law, a Variance may only be granted when all of the four (4) following criteria are met:

- 1). Describe the circumstances relating to the soil conditions, shape, or topography especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a Variance.
- 2). Describe how a literal enforcement of the provisions of the Zoning Bylaw, specifically relating to the circumstances affecting the land or structure noted above, would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant.
- 3). Describe how desirable relief may be granted without substantial detriment to the public good.
- 4). Describe how desirable relief may be granted ... without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw of the Town of Middleton, Massachusetts.