



TOWN OF HAMPDEN

CODE ENFORCEMENT OFFICE

Application for Administrative Appeal

Fee: \$100.00

A. General Information

1. Name of Applicant: _____
2. Mailing Address: _____
3. City or Town, State: _____
4. Telephone (Home): _____ (Work): _____ (Cell): _____
5. Name of Property Owner (if different from applicant): _____
6. Location of property: _____
7. Zoning district in which property is located: _____
8. Tax map and lot of subject property: Map _____, Lot _____
9. Source of applicants legal interest in property: Deed, Purchase & Sale Agreement, Lease,
 Option Agreement, Other

B. Reasons/Supporting Information for Appeal

1. The applicant proposes the following building, structure, use or activity on the subject property:

_____.
2. The applicant seeks an administrative appeal of the following nature:
 Zoning Ordinance Article 6.2.1.1.

Where it is alleged that there is an error in any order, requirement, decision, or determination by the code enforcement officer or the planning board in the enforcement of this Ordinance. For an alleged error to be reviewed, it must involve a standard which is easily measurable such as a dimensional or numerical standard. A decision of the planning board, based on a

judgmental, non-numerical standard, is not a matter for review by the Board of Appeals. If the Board of Appeals finds that the code enforcement officer or the planning board acted wrongly in the administration or enforcement of this Ordinance relative to such dimensional or numerical standards, upon a vote in favor of the appellant of at least five (5) members of the Board of Appeals, the board may order the code enforcement officer or the planning board to modify or reverse their decision.

□ Zoning Ordinance Article 6.2.1.2.

Where it is alleged that the planning board or the code enforcement officer refused to consider certain information or evidence, submitted by the applicant or an interested party, in making its decision. In this case the appellant must prove to the Board of Appeals that the information in question was submitted, that it is germane to the issue under consideration, and that the accused board or officer did not consider the information in making its decision. A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote, provided such vote shall include at least two (2) votes in favor of the appellant.

□ Zoning Ordinance Article 6.2.1.3.

Where there are contradictions or incomplete or inconclusive definitions within this Ordinance which affect the decisions of the planning board or the code enforcement officer in the enforcement of the Ordinance in a specific case. In the case of contradictions, the Board of Appeals shall first resolve the conflict in favor of the property owner and then notify the planning board and the town council of any potential need to amend the Ordinance. In the case of incomplete or inconclusive definition, the Board of Appeals shall clarify the definition based on any of the following consideration: the context in which the word is used in the Ordinance; the legislative intent implicit in the use of the word; definitions given by

experts qualified in the field under consideration; other evidence which is germane to the issue but does not involve the specific proposal at hand; and ordinary usage of the word.

A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote provided such vote shall include at least two (2) votes in favor of the appellant. The Board of Appeals shall then report its decision to the appropriate board or officer for such board or officer to use in the execution of their duty as assigned under this Ordinance.

Zoning Ordinance Article 6.2.1.4.

Or where it is alleged that a procedural error was made by the planning board or the code enforcement officer in the administration or enforcement of this Ordinance. In this case, if the appellant proves that a procedural error has been made, the Board of Appeals shall remand the case back to the appropriate board or officer and order that the case be reconsidered, following the correct procedure(s). A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote provided such vote shall include at least two (2) votes in favor of the appellant.

3. The lot is currently being used for the following:

C. Additional Information

- 1. Please describe in detail the facts surrounding this appeal; what you think is wrong about the decision which you are appealing; and what action you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

- 2. In addition to the information provided above, please submit a sketch plan of the property showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, additions and alterations, the locations of roads and driveways, the location of water bodies, and any natural and topographic peculiarities of the lot in question.

D. Signature of Applicant

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

Signature of Applicant: _____ Date: _____

(Print Name)