

**Town of Little Black BOARD OF APPEALS**  
Town Clerk

## NOTICE TO POTENTIAL APPELLANTS

Please carefully read and accurately complete the appeal form, together with the required attachments! Failure to do so may lead to denial or delay in acting on your appeal. Please pay particular attention to the following items where errors frequently occur:

**Item 3.** Check one (or more) of the options. If b. is checked, you must enter the specific paragraph identification and chapter (usually Chapter 9). You must attach a separate sheet identifying the action of the administrative official along with your arguments as to why it should be overturned. If the appeal involves a specific property and/or structure, you must complete Items 4 through 9, and Item 10 if a variance is being requested.

**Item 4.** The name and address of the legal owner (as shown on the current property deed) must be entered here. This is not necessarily the same as shown on the latest property tax statement.

**Item 5.** Be sure to enter the full property address as well as accurate directions to the property. The “Earliest Year Title to Property was Recorded for its Current Dimensions/Boundaries” is frequently required to determine the parcel’s grandfather status. It may be necessary to check the deed or current abstract for this information. Separate CEAV dollar figures are required for the land and for each improvement on it.

**Item 6.** You must list the names and addresses of *all property owners within 100 feet* of the premises and those of the *nearest neighboring property owners on all sides. That includes properties across roads*, public or private. Applicants frequently omit the property owners across the road. *If an adjacent property is less than 100 feet wide, the next neighbor over also must be listed. Neighboring properties across lakes or streams less than 100 feet wide must be listed, too.*

**Item 7.** Your appeal must be accompanied by a scale drawing showing the information specified. The drawing for a permit application is usually insufficient. *The drawing must be to scale, and show all structures, plus wells and sanitary facilities.* Structures include boathouses, privies, garages, storage sheds, gazebos, decks, signs, etc. The names and locations of all roads must be shown. If there are lakes, streams, wetlands or floodplains in the area shown by the drawing, their bounds and identification must also be shown.

**Item 8.** If your appeal involves a structure within 75 feet of the ordinary high water mark (OHWM) of a lake or stream, even if across another property, this requirement applies. The information may be shown on the drawing for Item 7, or a separate drawing may be provided. The primary structures on the adjacent properties on either side, and the distance of each from the OHWM must be shown. Primary structure on a residential lot usually is the home, or the garage, barn, or boathouse if there is no home. If a neighbor did not allow access to accurately determine the distance, indicate the approximate distance and state on the drawing, in Item 11, or on a separate sheet, that the distance is approximate due to lack of access for measurement, and state the reason for the lack of access. It is important to indicate the distance from the OHWM to the closest extension of the structure. That extension may be a deck, patio, steps, or eave. The wall or foundation itself is seldom the closest extension of the structure. *This distance is often key to final disposition of your appeal.*

**Item 9.** If the property owner is not the appellant, you must show what action you took to advise the owner of your appeal, and his/her response.

**Signature.** The signer of the appeal form must be a person listed in either Item 1 or Item 2.

*Omission of required information renders this appeal incomplete.  
A hearing on it may therefore be delayed, or the appeal dismissed.*

**APPEAL**  
**TO**  
**TOWN OF LITTLE BLACK ZONING BOARD APPEALS**

*See Zoning Code of the Town of Little Black*

1. **Appellant:** Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mail Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

2. **Agent/Representative:** Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mail Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**3. Relief Requested:**

☐ a. Request for area variance. *Sections 4 through 10 must be completed or complied with.*

☐ b. Request for interpretation of Sec \_\_\_\_\_, Chapter \_\_\_\_\_, Little Black Code of Ordinances and reversal of order, requirement, decision, or determination of administrative official.

*Attach separate sheet(s) detailing reasons why you believe the action of the official is erroneous.*

☐ c. Other: \_\_\_\_\_

*Attach separate sheet, specifying relief desired and reasons why you are entitled to such relief.*

**NOTE: If the appeal involves a specific property and/or structure, the information or statements specified in Sec 4 - 9 below MUST be supplied. If a variance is requested, Sec 10 must be complied with.**

4. **Property Owner(s) [Identified in Current Deed]:** Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

5. **Property Information:** Fire#: \_\_\_\_\_ Road/Street Name: \_\_\_\_\_

Directions to Property \_\_\_\_\_

Legal Description: Subdivision Name & Lot #: \_\_\_\_\_

Section \_\_\_\_\_ T \_\_\_\_\_ N R \_\_\_\_\_ E \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 OR Gov't Lot # \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Town Name: \_\_\_\_\_

Name of Lake/Stream: \_\_\_\_\_

Parcel Width (ft) at Ordinary High Water Mark (OHWM): \_\_\_\_\_ Parcel Area (sq ft or acres): \_\_\_\_\_

Earliest Year Title to Property was Recorded for its Current Dimensions/Boundaries: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Current Use: ☐ Seasonal or ☐ Year Around

Current Equalized Assessed Value(s) (CEAV): [List Separate value for Land and Each Structure/Improvement]:

Land: \$ \_\_\_\_\_ Structure Appealed: \$ \_\_\_\_\_ Other Structure(s): Name: \_\_\_\_\_ \$ \_\_\_\_\_

Additional Structure(s): \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Proposed Use of Property Related to This Appeal: \_\_\_\_\_

Plans for Future Structures or Other Changes: \_\_\_\_\_

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**6. Adjacent Owners to be Notified:**

***The names and mailing addresses of the owners of ALL contiguous properties, and all other properties within 100 feet of premises (even if across a road or stream), must be listed below or attached. If not provided, this appeal may be dismissed or its hearing delayed until required information is provided and adjacent owners notified of this appeal.***

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(Continue on reverse side if needed)

**7. Scale Drawing of Property:** If this appeal involves a specific property or structure/improvement, a scale drawing shall be attached which shows the location and dimensions of the property; existing structure(s)/improvement(s), well(s), and sanitary system facilities; all abutting properties and owners thereof; as well as all contiguous public or private roads and names thereof. Floodplain areas on the property shall be outlined and identified as such. The structure(s)/improvement(s) involved in this appeal shall be clearly marked on the drawing and dimensions shown.

Copies of pertinent architectural/contractors plans, contracts, and materials lists for the specific structure(s) or improvement(s), which is/are the subject of this appeal, shall be submitted. Any future changes to the property under consideration, such as subdivision or construction of additional buildings, shall be located and identified on the scale drawing. *NOTE: Drawing(s) submitted with a permit application may not be sufficient.*

**8. Averaging Setback Along Lake or Stream:** If the structure involved in this appeal is within 75 feet of the OHWM of a lake or stream, the drawing, required by Sec. 7 above, or a separate scale drawing, shall be attached showing the distance of the primary structure(s) involved in this appeal and the primary structure(s) (usually homes) within 200 feet on the adjacent shoreline properties on either side. Additionally, the setback of each such primary structure from the OHWM shall be shown. *If an adjacent property owner does not allow access to determine such distances, the appellant shall so state in Sec. 11 below, on the drawing or an attached sheet.*

**9. Property Owner Not Appellant:** If the appellant is not the property owner, or agent or representative, attach a copy of the written notice given to the property owner of intention to file this appeal, and attach a copy of any written response received. As a minimum, attach a signed statement explaining why the signature or consent of the owner or legal agent thereof cannot reasonably be obtained.

**10. Justification for Variance:** A variance in the shoreland area cannot be granted by the Board of Adjustment unless it determines that ALL THREE of the following conditions are met:

a. **Hardship:** For a USE variance, no reasonable use of the property can be made without a variance. For an AREA variance, compliance with the zoning ordinance would unreasonably deny use of the property for a permitted purpose or conformity with the ordinance would be unnecessarily burdensome.

b. **Physical Property Limitations:** The hardship is due to unique physical limitations of the property (dimensions, topography, geologic formation, soil, etc.), ***NOT due the circumstances of the appellant.***

c. **Public Interest:** A variance granted under this appeal will result in no harm to the public interest as expressed by the general and specific purposes of the zoning ordinance.

*A form or statement giving the appellant's justification for meeting each of the conditions shall be attached to this appeal. If not attached, the appeal may be dismissed or delayed until the required information is provided.*

**11. Additional Comments or Explanation:** *Attach additional sheet(s) if necessary.*

**I hereby swear that all the above and attached statements, and all other documents attached to this appeal form, are true and correct to the best of my knowledge and belief under penalties of perjury.**

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Date Signed Signature of Appellant, Agent, or Representative

**NOTE: There is no Fee.**

*Omission of required information renders this appeal incomplete.  
A hearing on it may therefore be delayed, or the appeal dismissed.*

**APPEAL TO TOWN OF LITTLE BLACK BOARD OF APPEALS**

**Appellant:** Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_  
**Agent/Representative:** Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_  
**Date of Appeal:** \_\_\_\_\_ **Property Address:** \_\_\_\_\_  
**Variance Requested** (include specific provision of ordinance involved): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Justification for Use or Area (Dimensional) Variance**

[This form must be completed and attached to all appeals for a use or an area (dimensional) variance submitted to the Town of Little Black Board of Appeals. If additional space is needed, continue on the back side or attach additional pages. *All three criteria must be met before a variance can be granted by the Board of Adjustment.*]

1. **Unique Physical Property Limitations**, such as lot dimensions, steep slopes, or wetlands, which prevent compliance with the ordinance. The circumstances of an applicant, such as a growing family, elderly parents, or a desire for a larger garage, are not legitimate factors in deciding variances.

2. **No Harm To Public Interests.** A variance may not be granted which results in harm to public interests. Public interests can be determined from the general purposes of an ordinance as well as the purposes for a specific ordinance provision.

3. **Unnecessary Hardship** exists when, (a) for a USE variance, no reasonable use can be made of the property without a variance, or (b) for an AREA (dimensional) variance, compliance with the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. For the latter, consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood and on the public interests..