

EFFECTIVE
IMMEDIATELY

**NO APPLICATION WILL BE ACCEPTED
WITHOUT A WRITTEN BRIEF TO THE
BOARD, AS REQUIRED BY THE BOARD OF
APPEALS REGULATIONS**

APPLICANT _____
LOCATION _____
CUT-OFF DATE _____
DATE OF MEETING _____

PAPERS MUST BE FILED BY NOON OF THIS DATE

BOARD OF APPEALS – APPLICANT’S PROCEDURE

- ROOM 210** **BUILDING INSPECTOR**
PICK UP APPLICATION AND CHECK LIST. BUILDING INSPECTOR WILL COMPLETE CHECK LIST GIVING LOCATION, ZONE OR PROPERTY, APPLICANT AND REASONS ACTION IS NEEDED. BUILDING INSPECTOR WILL ASSIST APPLICANT IN DRAFTING FRONT OF APPLICATIONS & SIGN COVER SHEET.
- ROOM 201** **BOARD CLERK**
BOARD CLERK WILL TYPE DRAFTED APPLICATION WHICH MUST BE REVIEWED & SIGNED BY THE APPLICANT.
- ROOM 214** **CITY ENGINEER**
THE ENGINEERING OFFICE WILL MAKE A REPRODUCIBLE MYLAR COPY OF EACH PLAN SHEET TO BE KEPT AND PLACED ON FILE. **PLEASE REFER TO THE SCHEDULE OF FEES FOR APPLICABLE FEES.**
- ROOM 115** **CITY ASSESSOR**
CITY ASSESSOR WILL INDICATE CORRECT PLAT, BLOCK, & LOT NUMBERS ON PARTIES AND STAMP COVER SHEET.
- ROOM 114** **CITY TREASURER**
APPLICANT WILL PAY THE CITY TREASURER **\$180.00** (check payable to the City of Haverhill) FOR REGULAR MEETING. APPLICANT WILL PAY THE CITY TREASURER \$230.00 FOR A SPECIAL MEETING. CITY TREASURER WILL STAMP APPLICATION.
- ROOM 118** **CITY CLERK**
APPLICANT WILL PAY CITY CLERK **\$10.00** (check payable to the City of Haverhill) **\$75.00** (check payable to Registry of Deeds) (\$30.00 if land court plan) CITY CLERK WILL STAMP COVER SHEET.
- ROOM 201** **BOARD CLERK**
RETURN ALL MATERIAL TO BOARD CLERK – BRIEF MUST BE SUBMITTED TO BOARD CLERK IN ORDER TO BE PLACED ON THE AGENDA

BUILDING INSPECTOR

ASSESSORS STAMP

CITY CLERK’S STAMP

TO ALL APPLICANTS FOR A VARIANCE OR SPECIAL PERMIT

In order for your application to be heard at the next scheduled Board of Appeals meeting, your application must be completed in full. The Haverhill Board of Appeals Rules and Regulations require that:

Every application for action by the Board shall be made on the official form accepted by the Board, which may be obtained from the office of the Building Inspector, Room 210, City Hall. Any communication for a variance, or special permit, including all incomplete applications, shall be treated as merely notice of intent to file a petition for a variance or special permit to seek relief, until such time as it is made on the official application form. All information called for by the application shall be furnished by the applicant in the manner herein prescribed. **NO APPLICATION SHALL BE CONSIDERED COMPLETE UNTIL THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF THE BUILDING INSPECTOR, CITY TREASURER, THE ASSESSOR AND THE CLERK OF THE BOARD.**

The following steps should be taken by the applicant:

Application form received from the Building Inspector, Room 210, should be filled out **in pencil** by the Building Inspector. Items 2,3,6 & 7 may be filled in by the applicant.

A reproducible original and **NINE (9)** copies of the following must be submitted: **CERTIFIED** plot plan, drawn in ink, signed and stamped within one year of public hearing.

PLAN OF LAND TO ACCOMPANY PETITION

The Board shall require all petitions for variances, including Dimensional Variances and all petitions for Special Permits be accompanied by the reproducible original and **nine (9) copies** of the following described plot plan.

The plan shall contain:

- locus must appear on certified plot plan
- 8 ½" x 11" or larger drawn scale 1" = 40' or such smaller scale as may be necessary
- zoning districts
- north points
- name of streets
- names of property owners who abut the subject property
- existing property lines and exact location of existing buildings and any proposed additions and distances from adjacent buildings and property lines shall be shown on the plan which shall accurately be drawn in ink on Mylar or linen and signed and stamped by a registered Land Surveyor
- dimensions of the lot
- percentage of the lot covered by principal and accessory buildings
- the required parking spaces
- entrances, exits, driveways, planting strips, signs, etc.

All of the above must be certified as to accuracy of the lot lines, placement of original buildings and of proposals to provide additions to buildings, alterations to lot lines and/or parking, etc.

When a variance is requested to subdivide a parcel of land, the dimensions and areas of the surrounding lots may be taken from the deed or plotting plan for comparison of the size of lots the neighborhood, noted on the plan as such, and marked "approximate." Any plans presented with the petition shall remain a part of the records of the Board of Appeals.

When a petition is filed for a sign variance, the accompanying plan shall show, in addition to the location of the sign, the sign area and height in relation to the respective building height, size or length.

If living quarters are to be remodeled, or areas to be converted into living quarters, in addition to the required plot plan, **nine (9) copies** of the following described plan shall be furnished:

- (1) A floor plan of each floor on which remodeling is to be done or area converted into living quarters.
- (2) A floor plan showing the stairways, halls, door openings into the halls, and exit doors of each floors or floors where remodeling or converting is to be done.
- (3) An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each plan shall be 11" x 17" x 22", it shall be drawn to scale ½" = 1'.

An application for the Dimensional Variance, Use Variance, or Special Permit that requires the recording of a plan, must be accompanied by the recordable linen or Mylar plan, and said plan must contain **REGISTERED LAND SURVEYOR'S** seal and signature, and must comply with all other Recording Rules of the Registry of Deeds.

All plans and elevations presented with the application shall remain a part of the records of the Board of Appeals. The provision of the plan and the application form shall be the sole responsibility of the applicant.

TO ALL APPLICANTS FOR A VARIANCE OR SPECIAL PERMIT

- (1) The Assessor's office will prepare the list of abutters required by law and forward to the Board Clerk, who will notify all abutters and the owner/applicant by mail of the time and place the application will be considered by the Board. Abutters and owner/applicant will be sent copies of the agenda with the relevant item noted.
- (2) The owner or his representative (duly authorized in writing by the owner) must present the petition in person at the Board of Appeals meeting. Failure to do so may result in a negative decision by the Board of Appeals.
- (3) The Board Clerk shall ensure that the decision sheet is duly recorded at the Essex County South District Registry of Deeds and indexed in the grantor index under the name of the owner of record (registered land to be noted on the owners Certificate of Title).
- (4) If the applicant is not the owner, a written statement from the owner **MUST** be submitted indicating that it is permissible to seek a variance or special permit for the property.

- (5) Both applicant and abutters will be notified of the decision of the Board. Decisions will be filed with the City Clerk within 14 days by the Clerk of the Board of Appeals and copies of the decision will be sent out the same day.
- (6) The above is only a recording of the decision sheet in the City Clerk's Office. **PLEASE DO NOT APPLY FOR YOUR BUILDING PERMIT UNTIL YOU HAVE BEEN NOTIFIED THAT THE DECISION HAS BEEN RECORDED AT THE REGISTRY OF DEEDS.**

The decision sheets are sent to the Registry AFTER the 20 day appeal period has lapsed.

ESTIMATED TIME – SIX (6) WEEKS FROM DATE OF THE MEETING

- (7) If the city records show that Taxes, Water, Wastewater, and/or financial obligations are due on the subject property, building permits may be withheld until verification of an agreement to pay taxes or fees is received by the Building Inspector.
- (8) If house numbers or lots are not visible from the street, or clearly identified, unnecessary delays or negative action by the Board of Appeals may result.

CITY OF HAVERHILL - BOARD OF APPEALS
Information required to be filed as part of application to the Board

Every application for a variance or special permit or any appeal shall be supported by a written summary, setting forth in detail all facts relied upon by the applicant. This is particularly necessary in the case of a variance. The following points, based on General Laws, Chapter 40A, Section 10 and 14 should be clearly identified and factually supported:

- (a) The particular use proposed for the land or building.
- (b) The conditions especially affecting the property for which a variance is sought which do not affect, generally, the zoning district in which it is located.
- (c) Facts which make up the substantial hardship, financial or otherwise, which result from the literal enforcement of the applicable zoning restrictions with respect to the land or building for which a variance is sought.
- (d) Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
- (e) Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Before any variance is granted, the Board must find all of the following conditions to be present pursuant to section 255-75C of the Haverhill Zoning Ordinance:

1. Conditions and circumstances are unique to the applicant's lot, structure or Building and do not apply to the neighboring lands, structures or buildings in the same district.
2. Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the lot, structure, or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.
3. The unique conditions and circumstances are not the result of actions by the applicant taken subsequent to the adoption of this chapter.
4. Relief if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this chapter.
5. Relief if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

The application and supporting written statement must clearly address these points.

PETITION FOR VARIANCE under the ZONING ORDINANCE

APPLICATION FOR SPECIAL PERMIT under the ZONING ORDINANCE

Notice: This application must be typewritten; filed in duplicate and accompanied by a plan or the affected premises; a copy of the refusal by the Building Inspector or other authority.

The undersigned, petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises.

APPLICANT: _____
Full Name Address

OWNER: _____
Full Name Address

LESSEE: _____
Full Name Address

1. **LOCATION OF PREMISES:** _____

2. **ASSESSORS PLAT:** _____
Plat No. Block No. Lot No.

2A. **DEED OF PROPERTY RECORDED IN:** _____ **REGISTRY**
BOOK: _____ **PAGE:** _____

3. **DIMENSIONS OF LOT:** _____

4. **ZONING DISTRICTS IN WHICH PREMISES ARE LOCATED?** _____

5. **HOW LONG HAVE YOU OWNED THE ABOVE PREMISES?** _____

6. **HOW MANY BUILDINGS ARE ON THE LOT?** _____

7. **GIVE SIZE OF EXISTING BUILDINGS:** _____

PROPOSED BUILDINGS: _____

8. **STATE PRESENT USE OF PREMISES:** _____

9. **STATE PROPOSED USE OF PREMISES:** _____

10. **GIVE EXTENT OF PROPOSED ALTERATIONS:** _____

11. **HAS THERE BEEN A PREVIOUS APPEAL UNDER ZONING ON THESE PREMISES?** _____

IF SO WHEN? _____

12. **NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED:** _____

NOTE: IF THE APPLICANT IS NOT THE OWNER, A STATEMENT MUST BE WRITTEN BY THE OWNER AUTHORIZING THE APPLICANT TO APPLY TO THE BOARD OF APPEALS

**BUILDING INSPECTOR'S CHECK LIST FOR
BOARD OF APPEALS ACTION NEEDED ON:**

LOCATION _____

ZONE _____

APPLICANT _____

ACTION REQUIRED

___ DIMENSIONAL VARIANCE

___ USE VARIANCE

___ LOT AREA

___ PARKING

___ LOT FRONTAGE

___ SPECIAL PERMIT

___ LOT DEPTH

___ FRONT YARD

___ SIDE YARD

___ REAR YARD

___ HEIGHT

___ BUILDING COVERAGE

___ FLOOR AREA RATIO

___ OPEN SPACE

___ SIGN SIZE

___ OTHER _____

DATA TO BE INCLUDED ON APPLICATION:

3. PROVISION OF ZONING ORDINANCE UNDER WHICH PETITION FOR VARIANCE IS MADE:

IN MAKING ITS DECISION, THE BOARD SHALL SPECIFICALLY FIND THAT ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET. (FINDINGS MUST BE MADE ON ALL THREE TO HAVE A VALID DECISION.) (1) THAT THERE ARE UNIQUE CIRCUMSTANCES RELATIVE TO THE SOIL CONDITIONS, SOIL SHAPE, OR TOPOGRAPHY WHICH SPECIFICALLY AFFECT THE LAND OR STRUCTURE IN QUESTION, BUT NOT AFFECTING GENERALLY THE ZONING DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED; (2) THAT THE LITERAL ENFORCEMENT OF THE ORDINANCE WOULD INVOLVE SUBSTANTIAL HARDSHIP, FINANCIAL OR OTHERWISE; (3) THAT DESIRABLE RELIEF MAY BE GRANTED WITHOUT SUBSTANTIALLY DEROGATING FROM THE INTENT AND PURPOSE OF THE ZONING ORDINANCE OR BY LAW. (SEE ZONING ORDINANCE FOR ADDITIONAL REQUIREMENTS FOR GRANTING OF VARIANCE.)

3A. STATE REASON FOR VARIANCE: _____

4. PROVISION OF ZONING ORDINANCE UNDER WHICH APPLICATION FOR SPECIAL PERMIT IS MADE:

4A. REASON FOR SPECIAL PERMIT: _____

ABUTTERS LIST

APPLICANT _____

PARTIES IN INTEREST CERTIFICATION FORM

I hereby certify to the Board of Appeals and/or City Council, that the below listed names and addresses constitutes a complete listing of the parties in interest, as taken from the most recent City of Haverhill Tax List respective to the property at _____

as shown on Assessor's Plat _____
(Plat) (Block) (Lot #)

Chapter 40A of the Massachusetts General Laws defines "parties in interest" as the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recently applicable tax list, notwithstanding that the land of any such owner is located in another City or Town, the Planning Board of the city or town, and the Planning Board of every abutting city or town.

DATE _____ CITY ASSESSOR _____

	Name	Address
Owner:		
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____