

City Clerk Date/Time Stamp

ZBA Date/Time Stamp

CITY OF NEWTON
ZONING BOARD OF APPEALS

**CHECKLIST COVER PAGE
FOR VARIANCE PETITION**

To be completed by Staff: Project No.: Petition No.:

PROPERTY LOCATION: DATE:

PETITIONER:

ADDRESS:

PHONE: EMAIL:

POINT OF CONTACT:

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR VARIANCE PETITION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR PETITION THE FIRST PAGE.

VARIANCE PETITIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

DOCUMENTS

ENCLOSED
(checked by Petitioner)

CONFIRMED
(checked by Clerk)

Variance Petition Form (15 copies)	_____	_____
Application Fee	_____	_____
Zoning Review Memorandum	_____	_____
Evidence of Legal Interest	_____	_____
Corporate Interest List	_____	_____
Supporting Statements	_____	_____
Reference to Zoning Ordinance	_____	_____
Required Site Plans	_____	_____
Electronic Copy	_____	_____

CITY OF NEWTON
ZONING BOARD OF APPEALS

INSTRUCTIONS FOR FILING VARIANCE PETITIONS

PLEASE READ THESE INSTRUCTIONS BEFORE SUBMISSION

1. The first step in seeking a variance is to schedule a Development Review Team ("DRT") meeting, which is required to take place to submitting a variance petition. During a DRT meeting, City staff from several departments meet with the prospective petitioner to evaluate the proposal and assist in determining the required zoning relief. No statements by the DRT are binding upon the Board. You should contact the Planning Department to schedule a DRT meeting.
2. Before seeking a variance, you are also required to request and receive a completed Zoning Review Memorandum, generated by the Chief Zoning Code Official ("CZCO"). Petitioner's should request a Zoning Review Memorandum well in advance of submission of a variance petition. The CZCO shall issue a final Zoning Review Memorandum detailing the zoning relief required for the proposed project within forty-five (45) days after receipt of all plans and information needed for such zoning review. If the final Zoning Review Memorandum is not issued within 45 days, a petitioner may file a variance petition without the Zoning Review Memorandum.
3. In order to file a variance petition, you must complete the Checklist Cover Page and Variance Petition form included with these instructions. These two forms must be fully and correctly completed and the Variance Petition must be signed by the petitioner(s). If the Variance Petition does not provide adequate space for your response, please attached additional sheets of paper. All documents must be typed or written legibly. You must include all supporting documentation with your Variance Petition. All materials (other than plans, as set forth below) must be on 8 ½" x 11" paper. The variance petition package must be submitted in a format that clearly labels all required documents and any other supporting documents.
4. In instances where the petitioner or property owner is a company, corporation or any other entity, a list of the names and addresses of the principals, officers and/or managers must be included with the Variance Petition.
5. Evidence of proof of direct legal interest in or control of the property that is the subject of the petition must also be included with the Variance Petition. This evidence may be in the form of a property deed, purchase option, purchase and sales agreement, lease, written statement by a duly authorized agent or other party with present legal interest or other legally sufficient documentation that establishes a property right or interest by the applicant. If the petitioner is not the owner, they must explain the relationship between the petitioner and the owner.
6. The Variance Petition must include a detailed account or narrative describing the project, the relief being requested and all facts and circumstances that support a finding of the three conditions legal required for the granting of a variance (set forth on page 3 of the Variance Petition form).
7. The following plans must be included with the Variance Petition: Plan of Land, Area Plan, Plot Plan and Architectural Plan. All plans must be signed, stamped, dated, clearly labeled, drawn to a scale where all notes and dimensions are legible and include a scale bar. For projects that consist of a lot that is one acre or greater or a structure that is 20,000 square feet or greater, fifteen (15) sets of full size plans must be submitted. For all other projects, fifteen (15) sets of plans printed on 11 x 17 paper, plus one (1) full size set must be submitted. Please see the "Instructions for Required Plans" included with the Petition for Variance form for more specific information relating to the plans required.

8. Failure to submit all required information is grounds for denial of the petition and/or delay of the public hearing. Petitioners should contact the Board Clerk at least 48 hours before filing to schedule a time to file their appeal with the Clerk in person. It is also recommended that petitioners contact the Clerk to schedule a preliminary review prior to your intended filing date to ensure your Variance Petition is complete. The Board Clerk may be reached at the Planning Department in City Hall, 1000 Commonwealth Avenue and by telephone at 617-769-1120.
9. In total, you will need an original and fifteen(15) copies of your Variance Petition, as well as an electronic copy. As set forth below, the original will be filed with the City Clerk and fifteen copies and the electronic copy will be filed with the Board Clerk.
10. When you are ready to file your petition, the first step is to bring your completed Checklist Cover Page and your original completed Variance Petition to the City Clerk's Office for filing. The City Clerk will date time-stamp the Checklist Cover Page and provide you with a stamped copy. Next, you will need to file fifteen (15) copies of your Variance Petition, plans and Checklist Cover Page (bearing the date time-stamp of the City Clerk) with the Clerk of the Board. Upon receipt of the filing, the Board Clerk will also date time-stamp the Checklist Cover Page. The date of filing is the date time-stamped on the Checklist Cover Page by the Board Clerk.
11. At the time of filing the variance petition with the Clerk of the Board, you must also submit the required filing fee of \$500.00. All filing fee checks must be made payable to the "City of Newton." Petitions that are not accompanied with the filing fee will not be accepted.
12. An electronic copy of the Variance Petition (in identical form to the paper filed version) must also be submitted the same day in PDF format, via email to the Board's Clerk or on a USB flash drive.
13. The petition will be heard by the Board in accordance with the applicable provisions of the Newton Zoning Ordinance, G.L. c. 40A and the Board's Rules and Procedures.

IMPORTANT: THESE INSTRUCTIONS ARE INFORMAL IN NATURE AND ARE NOT INTENDED TO BE COMPLETE. IT IS THE RESPONSIBILITY OF ALL PETITIONERS TO REVIEW AND FOLLOW ALL APPLICABLE LEGAL REQUIREMENTS SET FORTH IN THE BOARD'S RULES & PROCEDURES AND GENERAL LAWS CHAPTER 40A.

CITY OF NEWTON
ZONING BOARD OF APPEALS

PETITION FOR VARIANCE

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

If the petitioner and/or property owner is a company, corporation or other entity, a list of the names and addresses of the principals, officers and/or managers must be attached to this form.

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: _____

ZONING DISTRICT: _____ PROPERTY SBL NO.: _____

OWNER OF RECORD: _____

DEED RECORDED AT MIDDLESEX SOUTH REGISTRY OF DEEDS AT:
BOOK: _____ PAGE _____ OR CERTIFICATE NO.: _____

RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):

CURRENT USE: _____

PROPOSED USE: _____

PREVIOUS VARIANCE GRANTED: YES__ NO__ DECISION NO./DATE: _____

OTHER REGULATORY REVIEW: YES__ NO__ IF YES, DESCRIBE STATUS:

EXISTING CONDITIONS DESCRIPTION:

PROPOSAL DESCRIPTION

1. Briefly describe all proposed changes to the structure(s) and/or use(s):

2. State all sections of the Newton Zoning Ordinance implicated in this variance petition:

3. State the specific relief being sought from the Newton Zoning Ordinance, including all ordinance dimensional requirements and proposed dimensional conditions:

4. Identify and describe all plans and supporting documents being submitted with this variance petition:

SUPPORTING STATEMENT

EACH OF FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH G.L. C. 40A, § 10.

1. Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district:
2. Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure.
3. Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare.

PROPERTY OWNER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

I am (we are) the owner(s) of the property subject to this variance petition and I (we) consent and certify as follows:

- 1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this petition;
- 2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to ensure the completeness of my (our) petition;
- 3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X _____ (Petitioner Signature) _____ (Date)

X _____ (Petitioner Signature) _____ (Date)

If Applicable:

Name of Attorney/Agent for Applicant: _____

Address of Attorney/Agent: _____

Phone Number of Attorney/Agent: _____

Email Address of Attorney/Agent: _____



CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1120 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.ci.newton.ma.us

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

INSTRUCTIONS FOR REQUIRED PLANS

Revised 7/22/19

- All dimensions and text must be legible at 8 ½ x 11 or 11 x 17
- All plans must include a graphic scale
- Please include one full size set, printed to scale

PLAN OF LAND

The plan of land of the property that is the subject of the petition for a variance must be:

1. Prepared by a Registered Engineer or Land Surveyor and may be
 - a. A certified copy of the Plan of Land of the property as recorded at the Registry of Deeds (a mortgage plot plan will not suffice), or
 - b. If a newly created lot, then an ANR Plan or a Definitive Subdivision Plan with applicable Planning Board approvals or certifications.
2. Approved as to form and content by the Inspectional Services Department.

AREA PLAN

An area plan for the lot in question shall be filed in order to show the character of the surrounding area within 300 feet of subject property. The subject lot shall be in the approximate center of the plan.

The plan shall include the following:

1. All street names, street lines and house numbers for the entire area.
2. Section, block and lot numbers, as shown on the City of Newton Assessor's Plans, areas and boundaries, with dimensions.
3. City of Newton sewer and drain easements.



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4. In the case of lots located in Flood Plain/Watershed areas, all flood plain elevations, watershed distances and all brooks, streams, wetlands and ponds.

PLOT PLAN

The plot plan, also referred to as a site plan, is the plan that shows the structures on the subject property and must comply with the following:

1. The plan shall include lot area, frontage, grade plane, basement/first floor calculations, building height, stories, lot coverage, existing and proposed setbacks, open space percentage, and, if applicable, lot area/unit, floor area ratio and build factor.
2. The plan shall show the following:
 - a. The exterior shape of existing structures, proposed structures, alterations or additions to existing structures, together with front, rear, and side yard dimensions, driveways, paved areas, and all off-street parking spaces, existing and proposed.
 - b. The zoning district of the lot in question and surrounding lots.
 - c. If the area is one of the steep terrain (10% or more), the topography must be shown in two-foot contour intervals.
 - d. If the variance is sought based on soil conditions or other physical condition of the land, the location and character of this condition must be shown on the plan.
3. The plan shall include petitioners name, date of plan and the name of the person drawing the plan.
4. The plan shall be prepared and stamped by a Registered Engineer or Land Surveyor.

ARCHITECTURAL PLANS

1. The plans shall consist of existing and proposed floor plans, and elevations of all sides.
2. The plans shall have a title block containing the applicant's name and address, the name



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and address of the person who prepared the plans, the date on which the plans were prepared, and the location of the property involved in the petition.

3. If drawn by an architect, the architect shall stamp the plans.