



Ruthanne Fuller
Mayor

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Aдриана Henrriquez
Board Clerk

ZONING BOARD OF APPEALS APPLICATION FOR VARIANCE

TO BE COMPLETED BY STAFF:

PROJECT #: _____ ZONING DISTRICT: _____ DATE RECEIVED: _____

TO BE COMPLETED BY APPLICANT:

PROJECT ADDRESS: _____

PROJECT INFORMATION

APPLICABLE ORDINANCE PROVISIONS:

CURRENT USE(S):

PROPOSED USE(S):

PROJECT DESCRIPTION (BRIEFLY DESCRIBE THE REQUESTED RELIEF BELOW OR ATTACH A SEPARATE NARRATIVE):

PREVIOUS VARIANCE APPLICATIONS? (CIRCLE ONE) YES NO IF YES, DECISION NUMBER & DATE: _____

REVIEWS BY OTHER REGULATORY AUTHORITIES? (CIRCLE ONE) YES NO IF YES, DESCRIBE STATUS BELOW:

SITE INFORMATION

FACTS AND CIRCUMSTANCES DESCRIBING THE SUBSTANTIAL HARDSHIP (RELATING TO SOIL CONDITIONS, SHAPE OR TOPOGRAPHY OF LAND OR STRUCTURES, ESPECIALLY AFFECTING THE SUBJECT PROPERTY):

PLEASE DESCRIBE HOW THE RELIEF WILL NOT CREATE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD?

PLEASE DESCRIBE HOW THE RELIEF WILL NOT NULLIFY OR DEROGATE FROM THE INTENT OR PURPOSE OF THE ZONING ORDINANCE?

TO THE EXTENT THE FOLLOWING ITEMS MATERIALLY AFFECT THE RELIEF BEING REQUESTED, PLEASE DESCRIBE AND ATTACH:

- IS THE REQUEST RELATED TO EXISTING VIOLATION(S)? IF YES, PROVIDE FACTS AND CIRCUMSTANCES.
- HAVE ACQUISITION DISCUSSIONS BEEN HAD WITH ABUTTING PROPERTIES?
- WHAT IS THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD?
- HISTORIC DOCUMENTATION PURPORTING THAT THE PROPERTY IS AN "OLD" PRE-1953 LOT.

NOTICE: This application MUST be accompanied by a General Permit Application Form. This form is available online.

Variance Application Instructions

Development Review Team Meeting: A Development Review Team (DRT) meeting is first required prior to submitting any variance application. During a DRT meeting, City staff from several departments meets with prospective applicants to evaluate proposals. These meetings are held weekly on Wednesday mornings. Most people find these meetings an efficient way to learn about issues they may want to address at an early stage to ensure a successful project. After the DRT meeting, you will receive a checklist for the next steps and materials further explaining the permitting process. Incomplete or inaccurate information may delay the acceptance of your application.

Application Submission Requirements: An application for a variance will be reviewed by the Clerk of the Zoning Board of Appeals (Board) to determine that it contains all required materials. Whether a project qualifies for a variance is determined by the Commissioner of Inspectional Services (Commissioner) in consultation with the Planning and Development Department. A complete application will include:

Forms - Completed General Application and Variance Application forms must be signed by the Owner of the property (or the Owner's legal representative) and Applicant/Agent. Please provide current contact information on the General Application to ensure City staff is able to contact the appropriate people regarding the application. On the Variance Application, be sure to provide accurate information for all applicable fields to describe the project and requested relief. A Zoning Review Memorandum, generated by the Chief Zoning Code Official within the Planning and Development Department (Department) after your DRT meeting, must also be submitted.

Filing Fees - The fee for a Variance Application is \$500.00, payable to the "City of Newton". This fee is subject to change; please review the Board's rules for the current fee schedule.

Project Description - A detailed account or narrative describing the project and requested relief, including:

- The facts and circumstances constituting a substantial hardship relating to soil conditions, shape or topography of land or structures especially affecting the subject property, but not affecting generally the zoning district in which the property is located.
- An explanation of how the literal enforcement of the provisions of the City's Zoning Ordinance would involve substantial hardship, financial or otherwise, to the applicant.
- An explanation of how the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City's Zoning Ordinance.

Submittals - Each Variance Application filing accompanied by plans should be signed, stamped, dated, drawn to scale, clearly labeled, and printed on paper not exceeding 8 1/2" x 11" or 11" x 17", except as requested by the Department or Board. Plans to include: Plan of Land, Area Plan, Plot Plan and Architectural Plans. See 'INSTRUCTIONS FOR REQUIRED PLANS' attached for specific information relating to the plans required.

Document Format - All information submitted as part of an application shall be provided in the following formats:

1. One (1) electronic copy submitted on a CD in .pdf or another format approved by the Department; and
2. Fifteen (15) hard copies of the complete application filing, including completed forms.

Application Review Process: A complete application filing shall be submitted to the Clerk of the Board in the Department prior to the deadline for advertising of the public hearing. For the current schedule of application deadlines and hearing dates, please visit the City's website at www.newtonma.gov. At time of filing, a copy of the complete application will be certified by the City Clerk's office. The Board shall then hear the application within 65 days of the filing; in most instances a decision on the application is made on the same night of the public hearing. In advance of the public hearing, the Clerk of the Board shall publish and give notice of such hearing in accordance with Section 11 of M.G.L. Chapter 40A and the Board's rules. The Board shall then hear the application within 65 days of the filing; in most instances a decision on the application is made on the same night of as the public hearing. The Board's decision on such an application shall be made within 100 days after the date of filing.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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Barney Heath
Director

GENERAL PERMIT APPLICATION

PROJECT #: _____ ZONING DISTRICT: _____ DATE RECEIVED: _____

PROJECT DESCRIPTION:

PROPERTY LOCATION INFORMATION

STREET ADDRESS: _____ CITY/ZIP: _____

LEGAL DESCRIPTION (SECTION, BLOCK, LOT): _____

PROPERTY OWNER INFORMATION

NAME: _____ PHONE: _____ ALT. PHONE: _____

MAILING ADDRESS: _____ E-MAIL ADDRESS: _____

PROPERTY OWNER CONSENT

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

- 1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
- 2. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

X _____ (Property Owner Signature) _____ (Date)

X _____ (Property Owner Signature) _____ (Date)

NOTICE: The City of Newton staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the city may visit the property as well.

APPLICANT / AGENT INFORMATION

NAME: _____ PHONE: _____ ALT. PHONE: _____

MAILING ADDRESS: _____ E-MAIL ADDRESS: _____

X _____ (Applicant/Agent Signature) _____ (Date)

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the Property Owner(s) in regards to the application.

----- OFFICE USE ONLY BELOW THIS LINE -----

CHECK APPROPRIATE PERMIT OR REVIEW PROCESS (CHECK ALL BEING SUBMITTED)

<input type="checkbox"/>	Zoning Review Application	<input type="checkbox"/>	Comprehensive Permit
<input type="checkbox"/>	Administrative Site Plan Review	<input type="checkbox"/>	Variance Application
<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Historic Preservation Review
<input type="checkbox"/>	Special Permit/Site Plan Approval	<input type="checkbox"/>	Conservation Commission Review
<input type="checkbox"/>	Fence Appeal	<input type="checkbox"/>	Other, describe _____

Comments: _____

PERMIT INTAKE INITIALS AND DATE STAMP

NOTE: This form MUST accompany all other Department of Planning and Development applications.

To Be Completed By Applicant

GENERAL PERMIT APPLICATION INSTRUCTIONS

LAND USE PERMITTING CHECKLIST (City staff, check all that apply)

In most instances, any development or land disturbance activity within the City of Newton will require some type of review and approval from the Planning Department and one of the City's regulatory authorities. In all cases, this General Permit Application must accompany all land use permitting applications. A checklist of permit forms, by regulatory authority, is provided below:

Administrative

- Administrative Site Plan
- Review of Accessory Apartment
- Wireless Facility

Conservation Commission

- Request for Determination of Applicability
- Notice of Intent
- Abbreviated Notice of Resource Area Delineation

Historic Commission(s)

- Demolition Delay
- Historic District
- Landmark/Preservation Restriction

Land Use Committee

- Amendment to Special Permit/Site Plan
- Extension of Nonconforming Use or Building
- Site Plan Only
- Special Permit/Site Plan

Urban Design Commission

- Fence Appeal
- Sign Permit

Zoning Board of Appeals

- Appeals of the ISD Commissioner
- Comprehensive Permit
- Variance Application

NOTE: The Planning Department has many handouts that provide useful information regarding each of the permitting processes above. Petitioners should also be aware that approvals from other City or State agencies may be necessary as well.

APPLICATION COMPONENTS

For each permit application, the submission of inaccurate information or an incomplete application may delay the review and approval process for said permit. The items needed for a complete application will vary by permitting process, but generally include:

FORMS: A completed General Application and the project-specific permit application form. The signature of the Property Owner (or the Owner's legal representative) and the Applicant/Agent are **mandatory** on the General Permit Application.

FEES: To process any land use permit application, it must be submitted with the appropriate fee. The permit fee will vary by permitting process. All fees are subject to change, please contact the Department of Planning to verify the current fee.

SUBMITTALS: Each permit should also be accompanied by the necessary supporting documentation. The items needed to explain a project may vary, please refer to the permit application for the typical documents submitted for each permit application or contact a city planner. All applications should be submitted in hard and digital formats.

SUBMITTING THE APPLICATION

Bring the complete application to the Planning Department (at Inspectional Services customer service counter), on the second floor of City Hall at 1000 Commonwealth Avenue. A planner will review the application, answer any questions you may have and explain the next step of the permitting process.

If you have questions about an application or application process, please call the Department of Planning at (617) 796-1120 or visit the Planning Department, Monday-Friday: 8:30 a.m. to 5:00 p.m., and Tuesday 8:30 a.m. to 8:00 p.m.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CITY OF NEWTON
ZONING BOARD OF APPEALS
INSTRUCTIONS FOR REQUIRED PLANS

The rules of the Board provide that there shall be filed with every petition for a variance fifteen (15) legible copies of the following plans:

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. Drawn to a scale of either 1inch = 20 feet or 1inch = 40 feet
3. 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 be drawn to a scale of 1 inch = 40 feet.

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.
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. It shall be drawn to scale of 1 inch = 20 feet.

2. 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.
3. 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 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.
4. The plan shall include petitioner's name, date of plan and the name of the person drawing the plan.
5. The plan shall be prepared and stamped by a Registered Engineer or Land Surveyor.

ARCHITECTURAL PLANS

1. The plans shall be drawn to a scale of $\frac{1}{4}$ inch= 1 foot on 8 $\frac{1}{2}$ x 11 or 11 x 17 paper.
2. The plans shall consist of existing and proposed floor plans, and elevations of all sides.
3. The plans shall have a title block containing the applicant's name and address, the name 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.
4. If drawn by an architect, the architect shall stamp the plans.

ALL PLANS

Copies of all plans shall be either 8 $\frac{1}{2}$ x 11 or 11 x 17 inches.