Town of Barnstable  
Zoning Board of Appeals  
Application for a Variance

Applicant’s Instructions:

Application forms are available at the Zoning Board of Appeals Office, Growth Management Department, 200 Main Street, Hyannis, MA. Three (3) completed application forms, along with all required information and materials must be submitted. One (1) application is to be filed with the Town Clerk, and two (2) are to be submitted to the Zoning Board of Appeals. Failure to supply required information is sufficient reason for a denial of your request.

Completed applications must be submitted to the Town Clerk’s Office, to be time and date stamped. One (1) shall remain with the Clerk’s Office, and the other two (2) copies shall immediately be filed with the Zoning Board of Appeals Office at 200 Main Street, Hyannis, along with all required materials, a check payable to the Town of Barnstable for the applicable filing fee, and the required deposit check to the Barnstable Patriot. The application fee is non-refundable.

It is strongly recommended that all applications be reviewed by the Boards Office prior to submission at the Town Clerk’s Office to ensure a complete application. The fee schedule for a Variance, including modification of existing Variances, is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single and Two-Family</td>
<td></td>
</tr>
<tr>
<td>All Variances</td>
<td>$ 400.00</td>
</tr>
<tr>
<td>Multi-Family, Commercial Business and Industrial</td>
<td></td>
</tr>
<tr>
<td>Bulk and Lot Dimensional Variances</td>
<td>$ 750.00</td>
</tr>
<tr>
<td>All Others except Use Variances</td>
<td>$ 750.00</td>
</tr>
<tr>
<td>Use Variances</td>
<td></td>
</tr>
<tr>
<td>under 4,999 gross sq. ft. of structure</td>
<td>$ 750.00*</td>
</tr>
<tr>
<td>5,000 to 9,999 gross sq. ft. of structure</td>
<td>$ 1100.00*</td>
</tr>
<tr>
<td>10,000+ gross sq. ft. of structure</td>
<td>$ 1500.00*</td>
</tr>
<tr>
<td>* Plus $250.00 for each additional 10,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>** Plus $200.00 for variances on lots and development fronting onto Routes 132, 28, 6A, and West Main Street, Hyannis.</td>
<td></td>
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</tbody>
</table>

| Time Extension of Existing Variance           | $ 100.00  |

In addition to the fee paid to the Town of Barnstable as required above, you will receive an invoice from the Barnstable Patriot for your portion of the legal notice. You will be requested to place a deposit of $200.00 payable to the Barnstable Patriot to assure the invoice will be paid. Upon payment of the Patriot’s invoice, that deposit check will be returned. In addition, you will be required to provide first class postage to cover the mailing of the public notices to the abutters and postcard stamps for the notices sent to abutters regarding the Board’s decision. The exact number or stamps required will be determined by the Board’s Office.
The Zoning Board of Appeals will hold a Public Hearing on your application within 65 days of the filing with the Town Clerk and shall render a decision within 100 days of the date the application is submitted unless extended by signed agreement. Cases are assigned in order of receipt, and given the case load, an extension form is included in the application. Abutters will be notified by mail of the date of the Public Hearing.

When the application is filed, you should be fully prepared to go forward with the public hearing. For all proposals that require Site Plan Review, that review should be completed prior to filing of any application for the Zoning Board of Appeals.

If additional materials are submitted after the filing of the application, they must be submitted to the Office no later than 8 days prior to the public hearing. In that instance 12 copies are required for transmittal to the Board Members for their review. Materials submitted thereafter shall be given to the Members the night of the hearing along with a recommended continuance date. Continuance must be mutually agreed upon and you or your representative will still be required to attend the hearing and should be prepared to go forward with the application.

Most applications to the Board are reviewed by staff of Growth Management Department prior to the public hearing. A copy of that report shall be provided to you, or your representative. Cases must be presented to the Board and public at an open public hearing. During the hearing public comment will be taken and inquiries by the Board made. All communication with the Board outside of the public hearing must be in writing and directed through the Board’s Office.

All decisions of the Board are made at an open public hearing. The written notice of that decision shall be filed with the Town Clerk’s Office within 14 days after the Board renders the decision. A copy of that filed decision will be sent certified mail to the representative and notice of the filing sent to all abutters. There is an appeal period of 20 days from the date the decision is filed with the Town Clerk. Thereafter, and if no appeal is filed, the Town Clerk shall certify the decision and a copy will be mailed to you.

The decision, certified by the Town Clerk, must be recorded at the Barnstable County Registry of Deeds or Land Court Office, as appropriate to your property, before you can exercise the variance. A copy of that recorded document must be submitted to the Board’s files and is required for any building or occupancy permit application. The rights granted under a variance shall lapse unless they are exercised within one (1) year of the date of the filing of the decision with the Town Clerk.

Please review all applicable zoning rules and regulations prior to applying. Be prepared to establish those unique conditions and circumstances justifying the granting of a variance but not affecting generally the zoning district in which it is located. It must also be shown that a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial and/or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance (see Section 240-125.B(1)(2) of the Code of Barnstable).

If you are not familiar with the issues of zoning and the requirements for a variance, you may wish to seek additional advice and guidance.
Town of Barnstable
Zoning Board of Appeals
Application for a Variance

Date Received
Town Clerk’s Office:

For office use only:
Appeal #
Hearing Date
Decision Due

The undersigned hereby applies to the Zoning Board of Appeals for a Variance, in the manner and for the reasons set forth below:

Applicant’s Name: ___________________________ Phone: ___________________________
Applicant’s Address: __________________________________________________________________

Property Location: ___________________________________________________________________
Property Owner: ___________________________ Phone: ___________________________
Address of Owner: ____________________________________________________________________
If petitioner differs from owner, state nature of interest:
__________________________________________________________________________________

Registry of Deeds/Land Court References: Deed _______________ Plan _______________
Assessor’s Map/Parcel Number: _______________ Zoning District: _______________
Number of Years Owned: _______________ Groundwater Overlay District: _______________

Variance Requested: __________________________________________________________________
Cite Section & Title of the Zoning Ordinance

Description of Activity/Reason for Request: __________________________________________________________________
_____________________________________________________________________________

Does the property have any existing Variance or Special Permit issued to it? No [ ] Yes [ ]
Permit #: ___________________________

1 The Applicant’s Name will be the entity to whom the variance will be issued to.
2 If the Applicant differs from owner, the Applicant will be required to submit one original notarized letter from the owner authorizing the application to the Zoning Board, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.
Application for a Variance - Page 2

Existing Level of Development of the Property - Number of Buildings: ______________________

Present Use(s): ___________________________________________________________________


Site Plan Review Number: _______ Date Approved: _______(not required for Single or Two Family use)

Is the property located in a designated Historic District?............................................ Yes [ ] No [ ]
Is this proposal subject to the jurisdiction of the Conservation Commission .............. Yes [ ] No [ ]
Is this proposal subject to approval by the Board of Health ........................................ Yes [ ] No [ ]
Is the building a designated Historic Landmark?........................................................ Yes [ ] No [ ]

Have you applied for a building permit?................................................................. Yes [ ] No [ ]
Have you been refused a building permit?............................................................... Yes [ ] No [ ]

The following Required Information, as applicable to application, must be submitted with the application at the time of filing. Failure to do so may result in a denial of your request.

- Three (3) copies of the completed application form, each with original signatures.

- Three (3) copies of a 'wet sealed' certified property survey (plot plan) and one (1) reduced copy (8 1/2" x 11" or 11" x 17") showing the dimensions of the land, all wetlands, water bodies, surrounding roadways and the location of the existing improvements on the land.

- Three (3) copies of a proposed site improvement plan, as found approvable by the Site Plan Review Committee (if applicable), and building elevations and layout as may be required plus one (1) reduced copy (8 1/2" x 11" or 11" x 17") of each drawing. These plans must show the exact location of all proposed improvements and alterations on the land and to the structures.

- The applicant may submit any additional supporting documents to assist the Board in making its determination. Twelve copies of all supporting documents must be submitted eight days prior to the public hearing for distribution to the Board Members.

Signature: __________________________ Date: __________________

Applicant or Representative's Signature

Print Name ________________________________________________

Address: __________________________________________________________________________

________________________________________ Phone: __________________

________________________________________ Fax No.: __________________

e-mail Address: __________________________

All correspondence on this application will be processed through the Representative named at that address and phone number provided. Except for Attorneys, if the Representative differs from the Petitioner, a letter authorizing the Representative to act on behalf of the Petitioner shall be required.
Town of Barnstable  
Zoning Board of Appeals  

Agreement to Extend Time Limits  
for Holding of a Public Hearing and Filing of a Decision on a  
Variance

<table>
<thead>
<tr>
<th>Date Application was Time Stamped w/Town Clerk:</th>
<th>ZBA Appeal #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Hearing Date:</td>
<td>Applicant:</td>
</tr>
<tr>
<td>Original Decision Due:</td>
<td>Address:</td>
</tr>
<tr>
<td>Number of Days Extended:</td>
<td>Map/Parcel:</td>
</tr>
<tr>
<td>New Decision Due Date:</td>
<td></td>
</tr>
</tbody>
</table>

In the Matter of ____________________________, (the Applicant(s) and the Zoning Board of Appeals, pursuant to Mass. General Laws, Chapter 40A, Section 15, agree to extend the required time limits for holding of a public hearing and filing of a decision on this application for a Variance for a period of ________ days beyond that date the hearing was required to be held and the decision was to be filed. This extension requires that the decision be filed 14 days after the decision is rendered by the Zoning Board of Appeals and that the decision be filed no later than ____________________.

In executing this Agreement, the Applicant(s) hereto specifically waive any claim for a constructive grant of relief based upon time limits applicable prior to the execution of this Agreement.

Applicant(s): ____________________________________________________________  
Zoning Board of Appeals

Signature: ____________________________  
Applicant(s) or Applicant's Representative  

Date: ____________________________  

Signature: ____________________________  
Chairman or Acting Chairman  

Date: ____________________________  

Zoning Board of Appeals  
Growth Management Department  
200 Main Street, Hyannis, MA 02601  
Phone: 508-862-4785  Fax: 508-862-4784  

cc: Town Clerk  
Applicant(s)  
File