

Town of Barnstable
Zoning Board of Appeals

Petition for a Variance

For Office Use Only	
Date Application Received:	Appeal No.:
Hearing Due Date:	Hearing Date:
Decision Due:	

Property Owner:				Phone:	
Property Location: <small>Street #, Street Name</small>				Village:	
City:				State:	Zip:
Address of Owner (if different from above): <small>Street #, Street Name</small>					
City:				State:	Zip:
Assessor's Info:	Map:	Parcel:	Zoning District:	Groundwater Overlay: <small>AP, GP or WP</small>	
Registry of Deeds/Land	Book:	Page:	Document #:	Certificate #:	
Court Reference:	Plan Book:			Plan Page:	
Applicant's Name: ¹			Phone:		
Applicant's Address:		<small>Street #, Street Name</small>		Fax #:	
City:				State:	Zip:

If Petitioner(s) differs from owner, state nature of interest²

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

Cite Section(s) & Title(s) from Zoning Ordinance:	240-
Description of Activity/Reason for Request: <small>Attach additional sheet if necessary</small>	

¹ The Applicant(s) Name will be the entity to whom the Special Permit will be issued to.

² If the Petitioner(s) differs from property owner, the Petitioner(s) will be required to submit one original notarized letter from the owner authorizing the Petitioner(s) to represent them before the Board. Also, if perspective owner(s), an executed Purchase and Sales Agreement or lease, or other documents to prove standing and interest in the property will be required.

Is property subject to an existing Special Permit or Variance:	<input type="checkbox"/> Yes Please list Appeal #(s):	<input type="checkbox"/> No
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Existing Level of Development of Property – Existing Number of Buildings:	
Existing Use of Property:	
Existing Gross Floor Area:	
Proposed Level of Development of Property – Total Number of Buildings:	
Proposed Use of Property:	
Proposed New Gross Floor Area:	
Site Plan Review Number: <small>Not required for Single or Two- Family Use</small>	Date Approved:

Description of Construction Activity (if applicable):	<i>Attach additional sheet if necessary</i>

Is the property located in a designated Historic District:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the building a designated Historic mark:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is this proposal subject to approval by the Board of Health:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is this proposal subject to the jurisdiction of the Conservation Commission:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you applied for a building permit:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you been refused a building permit:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Signature: <small>Petitioner(s) or Representative's Signature</small>	Date:	
Print Name:	Phone:	
Mailing Address: <small>Street #, Street Name</small>		
City:	State:	Zip:
Fax Number:	Email Address:	

**Town of Barnstable
Zoning Board of Appeals
Petition for a Variance**

**DO NOT TIME
STAMP THIS PAGE**

Instructions

FORMS

Application forms are available at the Zoning Board of Appeals Office, Planning & Development Department, 367 Main Street, Hyannis, MA or by going to our website: town.barnstable.ma.us/ZoningBoard. Two (2) completed application forms with original signatures, along with all required information and materials, must be time stamped with the Town Clerk. One copy is to remain at the Town Clerk's office and one (1) completed application with materials must be submitted to the Zoning Board of Appeals office. It is strongly recommended that before filing with the Town Clerk, to have your application reviewed by the Zoning Board of Appeals staff located at 367 Main Street, Hyannis, MA. Failure to supply required information is sufficient reason for a denial of your request.

FEES

Also required will be a check payable to the Town of Barnstable for the applicable filing fee which is non-refundable, (see Checklist sheet for fees). Also, in accordance with Massachusetts General Law Chapter 40A, §11, a legal ad must be published in a newspaper of general circulation. You will be responsible for the legal ad fees once your application is advertised. Staff will inform you of the amount of the legal ad fees which should be paid prior to the date of your hearing. The check or money order must be made payable to the Town of Barnstable and sent to the Zoning Board of Appeals.

HEARING

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 from the Town Clerk's time and date stamped completed application unless extended by signed agreement. Cases are assigned in order of receipt and given the Board's case load, an extension form is included in the application. Abutters will be notified by mail of the date, place, and time of the public hearing. Please check with staff as to the location of the hearing which could be subject to change.

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 must be completed prior to filing an application to the Zoning Board of Appeals.

Materials submitted thereafter shall be given to the Board Members the night of the hearing along with a recommended continuance date. Continuances 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.

All of the applications to the Board are reviewed by staff of the Planning & Development Department and approximately one week prior to the hearing, a staff report written by the Board's Principal Planner, shall be provided to you, or your representative. Cases must be presented to the Board and the public at an open public hearing. During the hearing, public comment will be taken and inquires by the Board made. All communication with the Board outside of the public hearing must be in writing and directed through this Board's office at 367 Main Street, Hyannis, MA.

DECISIONS

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 their decision. A copy of that filed decision will be sent certified mail to the applicant or applicant's representative and notices of the decision 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 to that fact with his/her signature and seal and return it to this office. In turn, a copy of that decision will be mailed to you via regular first class mail.

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 for it to take effect. A copy of that recorded document must be submitted to

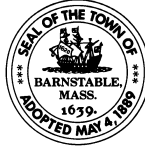
the Zoning Board of Appeals Office and is required for any building or occupancy permit application made in reliance of the permit. The rights granted under a Variance shall lapse unless they are exercised within one (1) year of the date of the filing of the decision with the Town Clerk or extended as provided for in Section 240-125 and 240-126 of the Zoning Ordinance.

Please review all applicable zoning rules and regulations prior to applying. Be prepared to present evidence that establishes those unique conditions and circumstances justifying the granting of a variance but not affecting generally the zoning district in which it is located. Also see Section 240-125 and 240-126: - "Variances to authorize upon appeal or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this chapter where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter, but not otherwise."

If you are not familiar with the issues of zoning and the nature of variances, you may wish to seek additional advice and guidance.

For more information or to speak to a staff person, please call 508-862-4682.

Thank you.



**Town of Barnstable
Zoning Board of Appeals
Variance**

DO NOT TIME STAMP THIS SHEET

Town Clerk's stamp is to be placed on the first page of the application which is page 4 and 5 of this packet.

Thank you.

CHECKLIST

The following required Information, as it applies to your application, must be submitted with the application at the time of filing, failure to do so may result in a denial of your request.

Two (2) copies of the completed application form with materials, each with original signatures and time stamped by the Town Clerk (One copy is to remain at the Town Clerk's office and one (1) completed application with materials listed below must be submitted to the Zoning Board of Appeals office).

Materials shall include:

1. '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 as well as the proposed improvements.
2. Proposed site improvement plan, as found approvable by the Site Plan Review Committee (if applicable), with building dimensions, 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.

Check made payable to The Town of Barnstable in the amount as outlined below: Fee is non-refundable.

Site Plan Review Required

Single & Two Family	
All Variances	\$400.00 each
Multi-Family, Commercial & Industrial	
Bulk and Lot Dimensional Variances	\$750.00
All Others Except Use Variances	\$750.00
Use Variances	
Under 4,999 gross square feet of structure	\$750.00 (Plus \$200.00 for Variances on lots and development fronting onto Routes 132, 28, 6A and West Main Street, Hyannis)
5,000 to 9,999 gross square feet of structure	\$1100.00 (Plus \$200.00 for Variances on lots and development fronting onto Routes 132, 28, 6A and West Main Street, Hyannis)
10.000 gross square feet of structure and above	\$1500.00 (Plus \$250.00 for each additional 10,000 square feet) (Plus \$200.00 for Variances on lots and development fronting onto Routes 132, 28, 6A and West Main Street, Hyannis)
Time Extension	
Six (6) Month Decision Time Extension	\$100.00

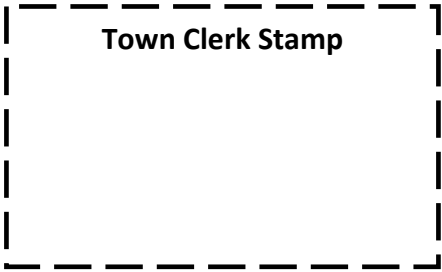
Postage stamps will be required in order to notify abutters. Please contact this office for the amount of stamps needed prior to submitting application.

Applicant will receive a legal ad invoice

If after application is submitted and petitioner(s)/representative wishes to submit additional supporting documentation to assist the board in making a determination, email anna.brigham@town.barnstable.ma.us must be submitted eight (8) days prior to the public hearing



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

ZBA Appeal #:	Map:	Parcel:
Petitioner(s):		
Property Address:	Village/City:	State:
Date Application was Time Stamped with Town Clerk:	Original Hearing Date:	
Original Decision Due:	Number of Days Extended:	
New Decision Due Date:		

In the matter of: _____
Petitioner(s)

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

Signatures	
Petitioner(s)	Zoning Board of Appeals
Print Name: <i>Petitioner(s) or Petitioner(s) Representative</i>	Print Name: <i>Chair or Acting Chair</i>
Signature:	Signature:
Date:	Date:

Zoning Board of Appeals
Planning & Development Department
367 Main Street, Hyannis, MA 02601
Phone: 508-862-4682 Fax: 508-862-4784

cc: Town Clerk
Petitioner(s)
File