ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

City of New Bedford
Zoning Board of Appeals
Application Instructions

1. Anyone who has been denied a building permit can apply for a Variance, Special Permit or Finding. A Building Permit application that has been rejected and signed by an Inspector of Buildings as such must be presented to the ZBA office in order to obtain an application. Before filling out the application, be certain you know which application you should file. Filing the wrong or incomplete application could result in an unnecessary denial of your petition by the Zoning Board of Appeals. For Variance petitions please review Required Findings for Granting a Variance per Section 10 of Chapter 40A listed in this packet.

2. A non-refundable filing fee is required when submitting the application, payable by check to the City of New Bedford. The fee covers the cost of processing the decision, including advertisement and abutter mailings.

3. The Zoning Board of Appeals will hear all applications, petitions or appeals within sixty-five days of the application filing date. If the petition is granted, the applicants will be relieved of the restriction(s) which caused refusal of the permit. In certain cases, Special Permits are granted by the Planning Board or City Council rather than the Zoning Board of Appeals.

4. All applications must be filled out completely and be submitted with the required drawings. Incomplete or improperly filed applications will be returned to the applicant for resubmission. Documentation of Deeds, Certificate of Title, Recorded Plans, etc. must also be included in your application. Bring the completed application (one (1) original and eleven (11) copies to the City Clerk, following a verification of completeness by Planning Staff (City Hall, Room 303) with the required Filing fee.

5. All appeals, petitions, and applications must be accompanied by the following accurately scaled drawings.
   a) A site plan at a scale not smaller than one (1) inch equals forty feet showing the outline of any proposed alterations, additions, or demolitions, new structures, fences, parking spaces, and landscaping.
   b) Where petitioner proposes to renovate, add to, or change the use of the building space, provide floor plans at a scale no smaller than one (1) inch equals eight feet.

6. Although it is not a requirement for submission you may wish to contact an attorney to help with your application and public hearing. The petitioner or their legal representative **must attend** the public hearing.

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7. A Certified Abutters List must also accompany this application which must be compiled in the Planning Dept. and Certified at the Assessor's Office. (A request form to obtain this list is attached)

8. A plot plan identifying the lot requesting relief must be provided.

9. If this is a request for a sub-division, the sub-division plans must be attached.

10. A copy of the "rejected" Building Permit must be included with your application.

11. Condo Conversions or Rooming House Applications must include proposed draft master deed and proposed condo documentation.

12. If your petition is denied you may appeal to the Massachusetts Superior Court.

13. If your petition is granted, and after the official decision is recorded with the City Clerk, there is a twenty (20) day waiting period after which time you will receive a letter from the Inspectional Services Department with instructions how to proceed and obtain the building permit. (The 20 day appeal period commences from the date of the decision's filing w/ City Clerk, not the date of the decision) And that the project be set forth according to plans submitted with the application and that it be recorded at the Registry of Deeds and a Building Permit be issued by the Department of Inspectional Services and acted upon within one year.

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ZBA ADMINISTRATIVE APPEAL APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- ☐ Completed & Signed Application

- ☐ (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.

  (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.

  (c) Sub-Division Plans if Applicable

- ☐ A Certified Abutter's List (Compiled by Planning Dept. and Certified in Assessor's Office)

- ☐ Plot Plan (Available at Inspectional Services Dept.)

- ☐ Filing Fee (Check made out to the City of New Bedford)

- ☐ Documentation of the Decision that Aggrieves the Applicant and is being appealed herein

- ☐ Appendix (Owner's Signature & Attached Deed for all Involved Parcels)

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ZONING BOARD OF APPEALS

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

Appeal Nr._____

Petition for an **ADMINISTRATIVE APPEAL**

Date: _____

The undersigned petitions the Board of Appeals for an Administrative Appeal in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

1. Application Information

Street Address: _____

Assessor's Map(s): _____ Lot(s) _____

Registry of Deeds Book: _____ Page: _____

Zoning District: _____

Applicant's Name (printed): _____

Mailing Address: _____
(Street) (City) (State) (Zip)

Contact Information: _____
Telephone Number Email Address

Applicant's Relationship to Property: ☐ Owner ☐ Contract Vendee ☐ Other _____

List all submitted materials (include document titles & volume numbers where applicable) below:

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Division staff and Zoning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

_____ _____
Date Signature of Applicant

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2. Dimensions of Lot(s) _____ Area _____
Frontage Depth Sq. Ft.

3. Number of buildings on lot _____

4. Size of existing buildings _____

5. Size of proposed buildings _____

6. Present use of premises _____

7. Proposed use of Premises _____

8. Extent of proposed alterations _____

9. Existing number of dwelling units & bedrooms _____ Proposed_____

10. For commercial uses, please complete the following:

	Existing	Proposed
a) Number of customers per day:	_____	_____
b) Number of employees:	_____	_____
c) Hours of operation:	_____	_____
d) Days of operation:	_____	_____
e) Hours of deliveries:	_____	_____

f) Frequency of deliveries: ☐ Daily ☐ Weekly ☐ Monthly ☐ Other: _____

11. Planning Board Site Plan Review and Special Permits:

_____ The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:

_____

_____

12. Have plans been submitted to the Superintendent of Buildings? _____

13. Has the Inspector of Buildings refused to issue a permit? _____

14. Provisions of the Zoning Ordinance under which a petition for an **Administrative Appeal** is made:

_____

_____

_____

_____

_____

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15. Explain the need for the Appeal:

_____

_____

_____

_____

_____

_____

16. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Variance must be recorded and acted upon within one year.

<u>This section is to be completed & signed by the property owner(s)</u>:

I hereby authorize the following Applicant: _____

at the following address: _____

to apply for: _____

on premises located at: _____

in current ownership since: _____

whose address is: _____

for which the record title stands in the name of: _____

whose address is: _____

by a deed duly recorded in the:

Registry of Deeds of County: _____ Book: _____ Page: _____

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Division staff and Zoning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

_____ _____

Date Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

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APPENDIX

(1) Owner's/Landlord's Name _____

(2) Title Reference to Property _____

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

(3) If the Applicant is Not the Owner, Provide:

1. Notarized authorization letter from owner to tenant or buyer for application for this permit, on letterhead.

2. Copy of Purchase & Sale Agreement or lease, where applicable.

3. Copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

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ZBA Application Fee Schedule

Residential

Dimensional Variance..... **$350.00**

Variance for Allowed Uses..... **$350.00**

Special Permit..... **$350.00**

Determination of Finding..... **$350.00**

Signage & Flag Poles (Residential)**.....** **$350.00**

Special Permit for Residential Driveway..... **$300.00(Advertising Only)**

Administrative Appeal under MGL C 40A Sect. 8 **$350.00**

Commercial or Commercial Residence

Variance or Special Permit ..... **$750.00 (up to 10, 000 Sq. Ft.)**

+ $200.00 for every additional 10,000 Sq. Ft.

Signage & Flag Poles (Commercial)**.....** **$750.00**

Administrative Appeal under MGL C 40A Sect. 8.... **$750.00**

Wireless Communications

Wireless Consultancy Fee..... .....**$2,500.00**

(Reduced fee may be applicable with multiple applications)

*Under MGL CHAPTER 40 the Board is mandated by law to advertise your request for an appeal two times prior to the scheduled hearing date. The above fees cover the costs of advertising in the Standard Times and also all copying and postage expenses incurred.

* Upon consideration of any and all requests (i.e., Withdrawals, Extensions, Changes in Plans reviews, etc.) there will be a $100.00 fee if there has been no advertising and a $350.00 fee if any portion of advertising has occurred.

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DEPARTMENT SIGN-OFF SHEET

ZONING BOARD OF APPEALS
ADMINISTRATIVE APPEAL REVIEW

DEPARTMENT	COPIES	SIGNATURE	DATE
BOARD MEMBERS CITY HALL, ROOM 303	5		
CITY PLANNING CITY HALL, ROOM 303	1		
CITY CLERK (Original) CITY HALL, ROOM 118	1		
CITY SOLICITOR CITY HALL, ROOM 203	1		
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1		
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1		
CONSERVATION COMMISSION CITY HALL, ROOM 304	1		
FIRE DEPARTMENT 1204 PURCHASE STREET	1		

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I,_____, Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Date: _____

SUBJECT PROPERTY:

MAP _____ LOT_____

LOCATION _____

OWNER'S NAME _____

MAILING ADDRESS _____

CONTACT PERSON _____

TELEPHONE NUMBER _____

EMAIL ADDRESS _____

REASON FOR REQUEST: _____

_____

_____

_____

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