

City of Beverly ZONING APPEAL APPLICATION CHECKLIST

This is a brief checklist to determine the completeness of the most common applications (setback variances and special permits). Please refer to the “Rules of the Board of Appeal“ for more complete information. It is the responsibility of the applicant to submit a complete application in full compliance with the “Rules of the Board.” Incomplete filings will not be accepted for processing and scheduling. Hearing dates are not assigned in advance.

- Thirteen copies of each of the following, collated and attached with paper clips (not staples)
 - Application (Form 1 and Form 2A, 2B and/or 2C, as applicable) filled out completely, with **original signature** on each application. We recommend filling out one application (without a signature), then make copies, and then sign the 13 copies
 - Certified plot plan showing location of structure(s) on property, and any site details, including parking. Any changes made after the date of the plot plan shall be shown on plan – see rules for plot plan requirements.
 - For all changes in use, alterations or additions:
 - Floor plans, to scale – be clear on plans what work is proposed and what is existing
 - Elevation drawings (to scale) showing **entire building** and proposed addition (if any). On elevation drawings, highlight proposed new work in red. Show dimensions of grade to ridge, grade to eave and foundation dimensions
 - Each drawing should have a title block with name, address, drawing number (for example, “Drawing 1 of 5”) and project description
 - Assessor’s map showing your parcel and all surrounding parcels within 300’ (available from the engineering department). Highlight your parcel on the assessor’s map
 - A minimum of six color photographs showing structure from various angles
 - One of the thirteen copies is to contain sheets no more than 8 ½” x 11” (all larger documents are to be reduced to 8 ½” x 11”)
- A “Request for Certified List of Abutters” (one copy)
- A “Request for Legal Notice “, indicating how the legal notice is to be worded
- A check for \$150 made payable to the City of Beverly (\$200 for administrative appeals)

In addition, while not required, the applicant may choose to:

- Retain an attorney, engineer, architect and/ or other representative to proceed with the case on behalf of the Applicant.
- Meet with the abutters, and other interested parties, to discuss in advance the Application and hear the concerns of interested parties. It is strongly recommended that the applicant submit written letters of support from abutters in support (or a signed petition) Letters can be submitted at the time of the hearing.
- Include any additional exhibits or information that you feel may be helpful to your Petition. The Board may request additional information at the time of the public hearing.



**Zoning Board of Appeals
City of Beverly**

**FORM 1
APPLICATION FOR HEARING**

Application Date _____

The undersigned hereby petitions the Zoning Board of Appeals for the following:

_____ Variance _____ Special Permit _____ Administrative Appeal
_____ Finding _____ Modification or Extension of Decision (attach decision)

Subject Property Address _____ Zoning District _____

Is property known by any other address or name: _____

Tax Assessor's Property ID: Map No.: _____ Parcel No.: _____

Has there been any previous appeal to the Board involving this property (yes/no): _____
If yes, attach copy of decision(s)

Description of Request: _____

Describe what is currently on the premises: _____

Please attach additional sheets if space provided is insufficient

*Applicants for a **Variance** must complete **Form 2A**
Applicants for a **Special Permit** must complete **Form 2B**
Applicants for an **Administrative Appeal** must complete **Form 2C***

Record title to the subject property stands in the name(s): _____

Address of owner of record: _____

Date that owner acquired title: _____

Name of prior owner from whom land was acquired: _____

(Unregistered land) Essex County Registry of Deeds, Book _____, Page _____

(Registered land) Land Court Certificate of Title No. _____, Book _____, Page _____

Is land contiguous to other land owned (or subject to purchase or lease that is held by) the petitioner or owner (if yes, explain): _____

The undersigned is:

- the owner of the subject property
- part owner of the subject property (a letter of authorization by the co-owner(s) and/or condominium association must accompany the application)
- the holder of a written option to purchase the subject property
- the holder of a valid lease to the subject property (written authorization from the property owner must be submitted with the other application documents)
- a party aggrieved by a decision of the building commissioner or other authority
- an agent of the owner or petitioner (written evidence of agent's standing to represent petitioner may be requested)
- other (explain) _____

I hereby certify that I have read the Rules of the Board of Appeal and that the statements within my Appeal and attachments are true and accurate to the best of my knowledge, information and belief. I agree to pay the non-refundable fees for legal advertising, registry recording and other administrative expenses.

SIGNATURE _____ Print Name _____

Address _____

Tel. No. _____ Fax No. (optional) _____

Email (optional) _____

Attach additional signature sheets if there is more than one applicant

Do not attempt to discuss the merits of your case with any member of the Board of Appeals at any time after filing this application and prior to the hearing thereon



**City of Beverly
Zoning Board of Appeals**

**FORM 2A
SUPPORTING STATEMENT FOR A
VARIANCE**

Petitioner seeks a Variance from Section (s) _____

of the Zoning Ordinance for property located at _____

and presents the following findings of fact in accordance with the provisions of M.G. L. 40A, §10:

1. The following circumstances relating to the soil conditions, shape, or topography especially affect the land or structure(s) in question, but do not affect generally the zoning district in which the land or structure(s) are located:

2. Owing to the circumstances described above, a literal enforcement of the provision of the Zoning Ordinance would involve substantial hardship, financial or otherwise, to the undersigned for the following reasons:

3. 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 for the following reasons:

4. Describe why the dimension variance as it relates to floor space, bulk, number of occupants, or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship: _____

Please attach additional sheets if space provided is insufficient

The law does not permit the Board of Appeals to grant a variance unless all of the legal requirements are satisfied. Each one of the above findings must be answered in detail. If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney

The rights authorized by a variance expire one year from the date the decision is filed with the City Clerk, unless exercised or extended in accordance with the terms of M.G. L. 40A, §10



**City of Beverly
Zoning Board of Appeals**

**FORM 2B
SUPPORTING STATEMENT FOR A
SPECIAL PERMIT/FINDING**

Petitioner seeks a Special Permit/Finding under Section(s) _____

of the Zoning Ordinance for property located at _____

and asks that the Board of Appeals make the following findings of fact in accordance with the provisions of law:

1. The proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, for the following reasons: _____

2. The specific site is an appropriate location for such use, for the following reasons:

3. The proposed use as developed will not adversely affect the neighborhood, for the following reasons: _____

4. Nuisance or hazard will not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, for the following reasons:

Four horizontal lines for writing the reasons for the proposed use.

5. The specific site has adequate private and/or municipal support facilities, (parking, utilities, waste disposal, drainage, access, etc.), or adequate and appropriate facilities will be provided for the proposed use, as follows:

Eight horizontal lines for describing the facilities provided for the proposed use.

6. Where applicable, include description of all buildings and facilities, hours of operation, number of employees, whether clients or pupils will come to the house, amount of floor or yard space occupied for accessory uses, number of dwelling units, etc.

Eight horizontal lines for describing buildings, facilities, hours of operation, etc.

Please attach additional sheets if space provided is insufficient

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G. L. 40A, §9



**City of Beverly
Zoning Board of Appeals**

**FORM 2C
SUPPORTING STATEMENT FOR AN
ADMINISTRATIVE APPEAL**

Petitioner is aggrieved by an order or decision of an administrative official, dated _____

Please attach a copy hereto. If there is no written decision/order, appeal of decision/order cannot be made. If appeal is not made within 30 days of date of written decision, it may be too late. It is suggested that you consult an attorney

_____ by reason of his/her inability to obtain enforcement action,

_____ by reason of his/her inability to obtain a building or occupancy permit, pertaining to the property at _____

and asks the Board of Appeals to:

_____ reverse the order or decision

_____ modify the order or decision

_____ direct the issuance of a building/occupancy permit

_____ direct the enforcement of Section(s) _____ of the Zoning Ordinance

_____ other (explain) _____

for the following reasons: _____

Please attach additional sheets if space provided is insufficient

*Appeals often involve interpretation of complex zoning bylaws and case law.
If necessary, retain an attorney*



**City of Beverly
Zoning Board of Appeal**

**Request for
LEGAL NOTICE**

Applicant shall complete the following legal notice, which will appear in the Salem Evening News for two weeks prior to the hearing:

_____ in a petition for a request for a(n) _____ to (of)
Applicant's name Variance, Special Permit, Appeal, Finding

Contact Zoning Officer in the Municipal Inspections Dept. if unsure of proper wording

The property is located at _____
Address

The parcel is located in the _____ zoning district.
Zone

Please attach additional sheets if space provided is insufficient

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY BY THE SALEM EVENING NEWS FOR THE COST OF THE LEGAL NOTICE

Signed: Applicant/Authorized Agent

Date

Print Name: _____

Address: _____

Phone: _____



City of Beverly
MASSACHUSETTS

**OFFICE OF THE BOARD OF ASSESSORS
REQUEST FOR CERTIFIED LIST OF ABUTTERS**

_____ hereby requests that the Board of Assessors supply the Board of Appeals with a certified list of abutters for the property located at:

Map: _____

Lot: _____

Address: _____

Assessed Owner: _____

Signature of Owner

Date

As used herein the term “abutter” means:

- Owners of adjoining land:
- Owners of land directly opposite on any public or private street or way:
- Abutters to abutters within three hundred feet of the property line on the locus:

All as they appear on the most recent applicable tax list.