



## ZONING BOARD OF APPEALS HEARING APPLICATION CHECKLIST

| RESIDENTIAL  | COMMERCIAL  | COMPREHENSIVE<br>(Chapter 40B)  |
|--|---|---|
| <p><b>Repetitive Petition:</b> What is the Date &amp; Petition Number of the prior application to the Zoning Board of Appeals? If required, do you have Planning Board approval?</p>   | <p><b>Repetitive Petition:</b> What is the Date &amp; Petition Number of the prior application to the Zoning Board of Appeals? If required, do you have Planning Board approval?</p>  | <p><b>Repetitive Petition:</b> What is the Date &amp; Petition Number of the prior application to the Zoning Board of Appeals? If required, do you have Planning Board approval?</p>  |
| <p><b>Building Commissioner:</b> Review plans. Discuss zoning relief needed.</p>   | <p><b>Building Commissioner:</b> Review plans. Discuss zoning relief needed.</p>  | <p><b>Building Commissioner:</b> Review plans. Discuss zoning relief needed.</p>  |
| <p><b>Completed application will include:</b></p> <ul style="list-style-type: none"> <li>• 2 original applications signed by Petitioner and/or Property Owner</li> <li>• 1 Deed with Book &amp; Page Number (most recent Deed)</li> <li>• 6 Certified Site/Plot Plans (not more than 2 years old) prepared by a Registered Land Surveyor or qualified Professional Engineer</li> <li>• 6 Elevation Plans (not more than 2 years old) to show what the structure will look like from front, rear, right, and left</li> <li>• \$125.00 filing fee, plus postage for abutter notifications (56 cents per abutter within 300 feet of property).</li> </ul> | <p><b>Completed application will include:</b></p> <ul style="list-style-type: none"> <li>• 2 original applications signed by Petitioner and/or Property Owner</li> <li>• 1 Deed with Book &amp; Page Number (most recent Deed)</li> <li>• Located in the Aquifer Protection Overlay District (APD)? 13 Certified Site/Plot Plans</li> <li>• Located in the Aquifer Protection Overlay District (APD)? 13 Elevation Plans</li> <li>• \$200.00 filing fee, plus postage for abutter notifications (56 cents per abutter within 300 feet of property)</li> </ul> | <p><b>Completed application will include:</b></p> <ul style="list-style-type: none"> <li>• 2 original applications signed by Petitioner and/or Property Owner</li> <li>• 1 Deed with Book &amp; Page Number (most recent Deed)</li> <li>• 19 Certified Site/Plot Plans, plus proof of filing with Cape Cod Commission</li> <li>• 19 Elevation Plans, plus proof of filing with Cape Cod Commission</li> <li>• \$300.00 filing fee, plus postage for abutter notifications (56 cents per abutter within 300 feet of property)</li> </ul> |

*Attached: 2 original applications, abutters notification, Zoning Board of Appeals rules & regulations.*



**ZONING BOARD OF APPEALS HEARING APPLICATION (Appeal Information)**

Appeal#: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Fee \$: \_\_\_\_\_

**Applicant is the (check one):** Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Prospective Buyer \_\_\_\_\_ Other Interested Party \_\_\_\_\_

**Applicant (full names, including d/b/a):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**This application relates to the property located at:**

**Shown on the Assessor's Map as:**

- Map #: \_\_\_\_\_
- Parcel #: \_\_\_\_\_
- Zoning District: \_\_\_\_\_

**Property located on un-constructed (paper) street? Provide nearest cross street name or other identifying location:**

**Project Summary (this information is used for the Legal Notice in the newspaper):** Applicant seeks permission to (e.g., add a 10' by 15' deck to the front of our house). \_\_\_\_\_

**RELIEF REQUESTED:** The applicant seeks the following relief from the Zoning Board of Appeals:

\_\_\_ **REVERSE BUILDING INSPECTOR OR ZONING ADMINISTRATOR DECISION (include a copy of this decision with this application). What is the decision date?:** \_\_\_\_\_

**The reason for reversal and the ruling you request the Board to make:** \_\_\_\_\_

\_\_\_ **SPECIAL PERMIT under Yarmouth Zoning By-law Section:** \_\_\_\_\_  
and/or for a use authorized upon Special Permit in the "Use Regulation Schedule" §202.5: \_\_\_\_\_

\_\_\_ **VARIANCE from the Yarmouth Zoning By-law.** Specify all sections of the by-law from which relief is requested, and, as to each section, specify the relief sought:

Section & Relief sought: \_\_\_\_\_

Section & Relief sought: \_\_\_\_\_

Section & Relief sought: \_\_\_\_\_

**ADDITIONAL INFORMATION (which you feel should be included in your application):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## ZONING BOARD OF APPEALS HEARING APPLICATION (Property Information)

Name & Address of Current Property Owner (if other than applicant) as listed on the Deed:

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Title Deed Reference (provide a copy of most recent Deed):

- Book & Page #: \_\_\_\_\_
- or Certificate #: \_\_\_\_\_
- Land Court Lot #: \_\_\_\_\_
- Plan #: \_\_\_\_\_

Use Classification:

- Existing: \_\_\_\_\_  
§202.5 # \_\_\_\_\_
- Proposed: \_\_\_\_\_  
§202.5 # \_\_\_\_\_

Is the property vacant?: Yes \_\_\_ No \_\_\_ If yes, how long has property been vacant? \_\_\_\_\_

Lot Information

- Size/Area: \_\_\_\_\_
- Plan Book & Page: \_\_\_\_\_
- Lot #: \_\_\_\_\_

Is this property within the Aquifer Protection Overlay District (APD)? Yes \_\_\_ No \_\_\_

Have you completed a formal commercial site plan review (if needed)? Yes \_\_\_ No \_\_\_

Which other Boards and/or Town Departments are/have/will review this project? What is the status of review?

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Is this a repetitive petition (re-application)? Yes \_\_\_ No \_\_\_

If required, do you have Planning Board Approval? Yes \_\_\_ No \_\_\_

Has this property been the subject of prior relief from the Zoning Board of Appeals? Yes \_\_\_ No \_\_\_

If yes, provide the date(s), Appeal number(s), decision(s), and other pertinent information with this application.

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Building Commissioner Comments:

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Applicant / Attorney / Agent Signature: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Building Commissioner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**ZONING BOARD OF APPEALS HEARING APPLICATION (Appeal Information)**

Appeal#: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Fee \$: \_\_\_\_\_

**Applicant is the (check one):** Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Prospective Buyer \_\_\_\_\_ Other Interested Party \_\_\_\_\_

**Applicant (full names, including d/b/a):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**This application relates to the property located at:**

**Shown on the Assessor's Map as:**

- Map #: \_\_\_\_\_
- Parcel #: \_\_\_\_\_
- Zoning District: \_\_\_\_\_

**Property located on un-constructed (paper) street? Provide nearest cross street name or other identifying location:**

**Project Summary (this information is used for the Legal Notice in the newspaper):** Applicant seeks permission to (e.g., add a 10' by 15' deck to the front of our house). \_\_\_\_\_

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\_\_\_ **REVERSE BUILDING INSPECTOR OR ZONING ADMINISTRATOR DECISION (include a copy of this decision with this application). What is the decision date?:** \_\_\_\_\_

**The reason for reversal and the ruling you request the Board to make:** \_\_\_\_\_

\_\_\_ **SPECIAL PERMIT under Yarmouth Zoning By-law Section:** \_\_\_\_\_  
and/or for a use authorized upon Special Permit in the "Use Regulation Schedule" §202.5: \_\_\_\_\_

\_\_\_ **VARIANCE from the Yarmouth Zoning By-law.** Specify all sections of the by-law from which relief is requested, and, as to each section, specify the relief sought:

Section & Relief sought: \_\_\_\_\_

Section & Relief sought: \_\_\_\_\_

Section & Relief sought: \_\_\_\_\_

**ADDITIONAL INFORMATION (which you feel should be included in your application):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**ZONING BOARD OF APPEALS HEARING APPLICATION (Property Information)**

Name & Address of Current Property Owner (if other than applicant) as listed on the Deed:

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Title Deed Reference (provide a copy of most recent Deed):

- Book & Page #: \_\_\_\_\_
- or Certificate #: \_\_\_\_\_
- Land Court Lot #: \_\_\_\_\_
- Plan #: \_\_\_\_\_

Use Classification:

- Existing: \_\_\_\_\_  
§202.5 # \_\_\_\_\_
- Proposed: \_\_\_\_\_  
§202.5 # \_\_\_\_\_

Is the property vacant?: Yes \_\_\_ No \_\_\_ If yes, how long has property been vacant? \_\_\_\_\_

Lot Information

- Size/Area: \_\_\_\_\_
- Plan Book & Page: \_\_\_\_\_
- Lot #: \_\_\_\_\_

Is this property within the Aquifer Protection Overlay District (APD)? Yes \_\_\_ No \_\_\_

Have you completed a formal commercial site plan review (if needed)? Yes \_\_\_ No \_\_\_

Which other Boards and/or Town Departments are/have/will review this project? What is the status of review?

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Is this a repetitive petition (re-application)? Yes \_\_\_ No \_\_\_

If required, do you have Planning Board Approval? Yes \_\_\_ No \_\_\_

Has this property been the subject of prior relief from the Zoning Board of Appeals? Yes \_\_\_ No \_\_\_

If yes, provide the date(s), Appeal number(s), decision(s), and other pertinent information with this application.

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Building Commissioner Comments:

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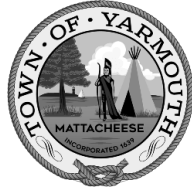
Applicant / Attorney / Agent Signature: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Building Commissioner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**ZONING BOARD OF APPEALS HEARING APPLICATION  
REQUEST FOR ABUTTERS NOTIFICATION LIST**

- Notices must be sent to the petitioner (applicant), abutters, and owners of land directly opposite on any public or private street or way, and abutters to the abutters (only within 300 feet of the property line) of the petitioner as they appear on the most recent applicable tax list.
- Postage charges for all applications are determined by the number of abutters (and the parcel(s) in question) times .56 cents (which is the current cost for the two required mailings).
- **Add the postage charges to the application fee and include your check with the application.**

**For postage charges, see Zoning Board of Appeals Administrator or provide the abutters map and lot numbers below.**

**Applicant Name:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

|           | Map Number | Lot Number | Map Number | Lot Number |
|-----------|------------|------------|------------|------------|
| Applicant |            |            |            |            |
| Abutters  |            |            |            |            |
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## ZONING BOARD OF APPEALS RULES AND REGULATIONS

The following Rules and Regulations are hereby adopted by the Yarmouth Board of Appeals and shall govern the submission of all Appeals, Applications for Special Permit, Applications for Comprehensive Permit, and Petitions for Variance to the board and the conduct of all hearings held thereon. These Rules and Regulations are adopted in accordance with M. G. L. Chapter 40A '9 & 12. In the event of a conflict between any of these Rules and Regulations, the provisions of any by-law or statute, as the case may be shall prevail. The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision hereof.

- 1. All Appeals, applications for Special Permit or Comprehensive Permit, and petitions for Variance to the Board shall be submitted on the forms provided by the Board for such applications.**
- 2. Two (2) original applications (attached) (no photocopies), typewritten or hand printed) and a copy of the most recent deed must be completed and signed by the Petitioner, the Property Owner and Building Commissioner prior to filing the application with the Board of Appeals.**
- 3. If determined by the Building Commissioner, a formal Site Plan Review hearing must be completed prior to filing the application with the Board of Appeals.**
4. On the application, in the space provided for “**Project**”: after the word “**property**”, summarize what it is the applicant proposes to do, (see sample provided on application) as this is the information used for the legal advertisement in the newspaper. The hearing could be illegal if this information is incorrect or incomplete.
5. All Appeals, applications for Special Permits and Variances must be accompanied by **6 Certified Plot Plans & Elevation Plans not more than 2 years old (13 Certified Plot Plans if within the Aquifer Protection District if commercial project), (Comprehensive Permits must be accompanied by 19 sets of plans along with proof of filing a copy with the Cape Cod Commission)**, The petitioner shall file with the application sufficient plans and drawings so that the Board can address all of the criteria prepared by a Registered Land Surveyor or qualified Professional Engineer which shall show; the locus; the parcel or parcels of land involved; the existing or proposed building or buildings; the proposed additions or alterations of existing buildings with all dimensions set forth; the location of the septic; the existing or proposed frontage, front, side, rear line distances; all perimeter dimensions (existing and proposed); location and width of abutting, and on-site, street and drives, parking, existing topography; a grading plan, areas of proposed and retained vegetation, distinction between upland and wetland. In the case of new construction, renovations and additions, raze and replacements, accessory apartments, the Board also requires architectural renderings, sketches or elevations, scaled floor plans and certified plot plans showing existing and proposed conditions) However, the Board may in its discretion waive these requirements or request additional material considered necessary for its review of the application. Extra copies of the plans will be disposed of after the hearing unless otherwise requested.
6. For all Appeals, applications for Special Permits or Comprehensive Permits, or Variances the applicant shall provide the current Assessors Map and Lot Number for the property which is subject of the petition, and accompanied by a list, by the current Assessor’s MAP & LOT Number, of the abutters (see assessors Certification for Abutters List attached)
- 7. Residential applications** for Special Permits, Variances or request to overturn the decision of the Building Inspector must be accompanied by a filing fee of **\$125.00, plus postage. Commercial applications** for Special Permits, Variances, or request to overturn the decision of the Building Inspector must be accompanied by a filing fee of **\$200.00, plus postage. Application for a Comprehensive Permit (per M.G.L., ch. 40B)**, must be accompanied by a filing fee of **\$300.00, plus postage. Postage charges for all applications will be determined by multiplying the number of abutters (including the applicants parcel) times .56¢, which is the current cost for the two required mailings.**

8. **Hearings (maximum 4 petitions) shall be held by the Board on the Second and Fourth Thursday of each month at 6:00pm** or at the call of the Chairman or Acting Chairman in the Yarmouth Town Offices 1146 Route 28 South Yarmouth, or at such other place as the Chairman or Acting Chairman may from time to time designate.

9. Hearings shall be held in accordance with M. G. L. Chapter 39, §23A-23C and shall be open to the public except at such times as the Board, by majority vote, shall vote to go into Executive Session in accordance with provisions of M. G. L. Chapter 39, §23A.

10. The Board may, in a particular case, waive strict compliance with the requirements of these Rules and Regulations when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Zoning Enabling Act or the Zoning By-laws of the Town of Yarmouth.

## **CONDITIONS**

At each and every hearing of the Board of Appeals, whether you are seeking a Variance, Special Permit, or Comprehensive Permit, the following conditions or criteria will apply:

### **Conditions for a VARIANCE:**

The Board of Appeals may authorize, upon appeal, a Variance from the terms of the Zoning By-laws with respect to and including Variances for use, with respect to particular land or structures. Such Variances shall be granted only in cases where the Board of Appeals finds **ALL** of the following:

1. A literal enforcement of the provisions of the by-law would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

**AND**

2. The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structure and especially affecting such land or structures, but not affecting generally the zoning district in which it is located.

**AND**

3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

### **Conditions for a SPECIAL PERMIT or a COMPREHENSIVE PERMIT:**

The Board of Appeals approval or special exceptions shall not be granted unless the applicant demonstrates that no undue nuisance, hazard, or congestion will be created and that there will be no substantial harm to the established or future character of the neighborhood nor of the town.