



The Town of Ipswich Massachusetts

Zoning Board of Appeals

APPLICATION PACKET

FOR THE

ZONING BOARD OF APPEALS

Application to Appeal the Decision of the Building Commissioner

Application for a Special Permit

Petition for a Variance

25 Green Street ~ Ipswich, MA 01938

Telephone 978-356-6672

marier@ipswichma.gov

INSTRUCTIONS FOR FILING A ZBA PETITION/APPLICATION

HOW TO SUBMIT A COMPLETE APPLICATION

The applicant (Petitioner) submits a complete Petition/Application/Appeal by completing the Submittal **Requirement Checklist**. (pg5)

The Board recommends that you discussed your project with the Building Commissioner/Zoning Enforcement Officer, and provide a brief explaining the in detail the exact nature of your request. Provide reference to the regulations and set forth in detail all facts relied upon, pursuant to General Laws, Chapter 40A, and Section 15. Your proposal should meet all the criteria.

NOTICE OF PUBLIC HEARING

The ZBA Administrative Assistant places the Petitioner's project on the Agenda for the next meeting, notifies abutters and places a legal notice in the local newspaper, to run two consecutive weeks prior to the meeting.

PUBLIC HEARING

ZBA public hearings are held the third Thursday of the month; time & location TBD. The ZBA will hold a public hearing within 65 days of receipt of a properly filed petition. Attendance by the Petitioner or representative is recommended.

DECISION

After the Public Hearing the Board will file a written decision with the Town Clerk, within fourteen days of the vote. The twenty-day appeal period will then commence. At the end of the appeal period, assuming there was no appeal, the applicant will be able to obtain a certified copy of the decision from the Town Clerk for a \$5.00 fee.

This decision must be recorded at the Essex South Registry of Deeds in Salem with a book and page. A Building Permit will not be issued without proof of recording.

SPECIAL PERMIT CRITERIA

The Board may grant Special Permits in accordance with Section 10 of Chapter 40A of the General Laws, as amended, of the Zoning Protection Bylaw. In order to grant a Special Permit, the Board must find the following:

- ▶ The benefit to the Town outweighs the adverse effects of the proposed use or action, taking in to account the characteristics of the site and proposal in relation to that site;
- ▶ The Petitioner's application include, in the Board's opinion, sufficiently detailed and credible information to show the project meets the intent of this bylaw.

In making this determination, the Board shall apply the following criteria:

1. Social, economic or community needs which are served by the proposal;
2. Potential fiscal impact, including impact on town services, tax base, employment;
3. Traffic flow and safety, including parking, loading;
4. Adequacy of utilities and other public services; 5. Compatibility with neighborhood character; 6. Impacts on the natural environment; 7. Water Use Mitigation Program (WUMP).

Please note Special Permits will lapse if they are not exercised within 24 months of the date of filing of the Decision with the Town Clerk.

VARIANCE CRITERIA

Please note that all of these conditions must be met for a Variance to be granted. Conditions may be added to address safety and time limitations. Rights authorized by a Variance will lapse if they are not exercised within 12 months of the date of filing of the Decision with the Town Clerk.

The Board may grant Variances under specific circumstances where a literal interpretation of the Bylaw would pose a substantial financial or other hardship upon the petitioner/applicant.

In making this determination, the Board shall apply the following criteria:

- ▶ Soil conditions, shape, or topography affects the land or structure in a special way, but not the zoning district in general.
- ▶ A literal enforcement would impose substantial hardship, financial, or otherwise, to the applicant. Any financial hardship must be somehow related to the land or soil conditions.
- ▶ When relief may be granted to the applicant without substantial detriment to the public good.
- ▶ When relief may be granted to the applicant without substantial detriment to the intent and purpose of the Ipswich Zoning Bylaw.

EXTENSIONS

A request to extend time limits must be made in writing to the Board no later than 30 days prior to expiration date. The Board in its discretion and upon written request, the Applicant may extend the time for exercise of such rights for a period not to exceed six (6) months.

APPEAL PROCESS

Any person aggrieved by a denial of a building permit and/or a zoning violation notice may request a hearing before the Board of Appeals.

While no section of GL Chapter 40A outlines criteria or conditions that must be determined, a case or argument must be made to convince the Board that the decision of the Building Inspector/Zoning Enforcement Officer should be overturned or reversed. Request to reverse decision are determined on a “case by case” basis considering information and facts presented at the public hearing.

As a final point, prior to submittal of this application, it is recommended that you meet with a representative of the permit granting authority e.g. the Building Inspector, the Health Agent, Conservation Agent, and Town Planner. Additionally, meet with your neighbors and abutters to your property and to discuss the project.

Town official are available to assist you, but if you know or feel you may have legal concerns please consult an attorney. Consulting with town officials regarding this applicant does not express or claim to be a substitute for professional legal representation.

Need assistance- please do not hesitate to contact Administrative Assistant Marie Rodgers

978-356-6672 – or marier@ipswichma.gov

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~ SUBMITTAL CHECKLIST

This checklist applies to all Petition/Applications/Appeals before the ZBA

Please make eight (8) copies of *all documents* listed below including the original Petition/Application, *assembled into packets* and submit, with fee to the Town Clerk to be time stamped, no later than one hour before the close of the business day as shown on the Meeting Dates & Filing Deadlines (page 8). Town Clerk keeps the original. **An electronic copy of the same** should be emailed to the ZBA administrative office at marier@ipswichma.gov

\$200 for Residential Petitions for Special Permit, Variance and Appeals.

\$250 for Non-residential Petitions. (*commercial/business*)

Petitions requiring more than one approval or finding are not subject to an additional fee.

- ☐ Filing Fee: check shall be made to the “Town of Ipswich”.
- ☐ Deed showing the owner of the property or a purchase and sale agreement of letter granting power of attorney.
- ☐ Site Plan; 1) drawn to scale showing complete parcel of land; 2) showing the location of all structures; 3) dimensions of all structure; 4) lot setbacks, front, side and rear setbacks; 5) detailed floor plans; 6) exterior building elevations; 7) Include location of all septic system components.
- ☐ The Zoning Districts, if more than one show all district lines, including Watershed Protection District, Historical District and Wetlands Protection areas and North Arrow.
- ☐ Locus map of land and Assessors tax map.
- ☐ If, a waiver is requested from any Boards Rules and Regulations, submit request with rationale.
- ☐ If, the request is an Appeal of Building Inspectors decision, submit a copy of decision/order and date.
- ☐ Submit any relevant permits obtained and /or information.

For more information regarding Regulations and Requirements see the Zoning Act under Mass General Laws, Chapter 40A and the local Bylaw are available on the Town of Ipswich website www.ipswichma.gov Zoning Board of Appeals.

The Ipswich Zoning Board of Appeals meets every 3rd Thursday of the month except December.

Questions regarding land use, zoning districts, structures, setbacks contact the Building Commissioner/Zoning Enforcement James Bone in the Building Department at 978-356-6605 Ext 2 or jimb@ipswichma.gov

***PETITION/APPLICATION/APPEALS**

(PLEASE USE INK & TYPE OR PRINT)

Name of Petitioner/Applicant: _____

Address _____

Petitioner/Applicant Telephone # _____ Cell # _____

Petitioner/Applicant EMail _____

Name of Property owner: _____

Property owner's address: _____

Property owner's Telephone #: _____ Cell# _____

Property owner's E-Mail address: _____

Location of work _____ Map _____ Parcel/Lot _____ Zoning District _____

South Registry of Deeds: Book _____ Page _____ Date of land acquisition on Title _____

Year house was built: _____ Scenic Roadway: yes _____ no _____

Special Permit _____ Variance _____ Appeal Decision of Building Inspector _____ 40B _____ see 40B regulations

Provide a description of your request and use additional pages to specify the exact nature of your request and how it meets the criteria or substantiate hardship. (see instructions for completing petition).

Cite Zoning reference and relevant sections of the Zoning Bylaw _____

Type of building or structure: _____ Septic System or Other _____

Existing structure dimensions _____ Proposed dimensions _____

Area of lot: _____ Frontage of lot: _____ Date on Zoning Map used to show lot _____

<u>Setbacks</u>	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
Front yard	_____	_____	_____
Right Side Yard	_____	_____	_____
Left Side yard	_____	_____	_____
Rear yard	_____	_____	_____
Lot Coverage	_____	_____	_____

_____ % of resource area on the property.

This application will not be complete without explanation for relief needed from the Zoning Bylaw and comments from the Building Commissioner/Zoning Enforcement Officer and the date. (Please attach)

Please sign Signature _____ Date: _____

Print Name _____

Signature of Owner: (If different) _____

If, Petitioner is not the owner, please provide *a letter granting permission*, signed by the owner.

The Board recommends that every petition be supported by a brief which sets forth in detail all facts relied upon pursuant to General Laws, chapter 40A, Section 15; the following points should be clearly identified and factually supported with regards to a variance.

1. The particular use proposed for the land or building.
2. The circumstance, condition especially affecting the property for which a variance is sought, which does not generally affect the zoning district in which it is located.
3. Facts which make up the substantial hardship, financial or otherwise, which result from literal enforcement of the applicable zoning restrictions with respect to the land or building for which a variance is sought;
4. Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good;
5. Facts relied upon to support a finding that the relief sought maybe given without nullifying or substantially derogating from the intent or purpose of the Protective Zoning By-Law.

**Zoning Board of Appeals
Ipswich, Massachusetts
2023**

MEETING DATES & FILING DEADLINES

<u>Meeting Date</u>	<u>Deadline to File w/Town Clerk</u> <u>One hour before closing</u>
January 19, 2023	December 20, 2022
*February 16, 2023	January 25, 2023
March 16, 2023	February 21, 2023
*April 20, 2023	March 21, 2023
May 18, 2023	April 25, 2023
June 15, 2023	May 23, 2023
July 20, 2023	June 20, 2023
August 17, 2023	July 25, 2023
September 21, 2023	August 22, 2023
October 19, 2023	September 26, 2023
November 16, 2023	October 24, 2023
December NO MEETING	
January 18, 2024	December 13, 2023

**Meeting dates are subject to change.*

Please feel free to contact the Administrative Assistant Marie Rodgers for assistance; marier@ipswichma.gov or at 978-356-6672; ZBA office is located on the second floor of Town Hall.

Please refer to the Town of Ipswich website for Agendas posted with the Town Clerk at www.ipswichma.gov