



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544
All departments 508 240-5900 Fax 508 240-1291
www.eastham-ma.gov

Received by Town Clerk:

ZBA APPLICATION FORM

Case Number: ZBA
Date Submitted: _____
Hearing Date: _____
MAP _____ PARCEL(S) _____

Application for: _____ Special Permit _____ Variance

Appeal of a decision made by: _____ Building Inspector a.k.a. Zoning Enforcement Agent
_____ Planning Board

OWNER:
Owner's Address:
City, State, ZIP:
Phone:
Email:
Owner Signature:

APPLICANT*
Applicant's Address:
City, State, ZIP:
Phone:
Email:
Applicant Signature

If there are multiple owners of a property (i.e. an Association), please list names and signatures and attach.

Contact/Representative*:
Email:

Phone:

**If applicant is not the owner of record of the property, written authorization from the owner must accompany this application.*

Address of Property being aggrieved or causing the grievance: _____

Directions to the Property: _____

Registry of Deeds Title Reference: Book _____, Page _____ / Certificate of Title Number _____ / Land Ct. Lot # _____ and Plan # _____.

Year lot was created _____ Year house &/or structures were constructed _____

Are there any existing Special Permits or Variances associated with this property? Yes No

If yes, please list Case Numbers or Book/Page numbers _____

Building Inspector's Letter of Denial: Attached: Yes _____ No _____ Date Issued: _____

Section(s) of By-Law to Appeal (*see Building Inspector's Denial Letter*) _____

Description of Proposal &/or Decision Being Appealed

Present Use of Property _____

Total Number of Buildings on Lot _____ Number of Habitable Dwellings on Lot _____

PLEASE BE ADVISED THAT BY MAKING THIS APPLICATION, YOU ARE AUTHORIZING THE BOARD OF APPEALS MEMBERS AND THEIR AGENTS TO MAKE SITE INSPECTION OF YOUR PROPERTY. IT IS IMPERATIVE THAT THE STREET AND PROPERTY IN QUESTION ARE MARKED.

THIS FORM MUST BE FILLED OUT COMPLETELY. PLEASE CONTACT TOWN PLANNER WITH ANY QUESTIONS PRIOR TO FILING DEADLINE. FAILURE TO INCLUDE ALL INFORMATION &/OR PLANS AND DOCUMENTATION COULD CAUSE A DELAY OR DENIAL OF YOUR PROJECT.

PROPOSED SITE COVERAGE

1. **Proposed Site Coverage Calculation:**

Gross Horizontal Area	Dwelling	Attached Roofed Accessory Structure (sq. ft.)	Detached Roofed Accessory Structure (sq. ft.)	TOTALS (sq. ft.)
Finished Basement				
First Floor				
Second Floor				
Third Floor				
TOTALS				

NOTE: See Section III of the Zoning By-Laws for Site Coverage definition.

- 2. **Proposed Site Coverage (Total):** _____ sq. ft.
- 3. **Lot Size:** _____ sq. ft.
- 4. **Proposed Site Coverage Ratio:** _____ % [Site Coverage (2) ÷ Lot Size (3)]

EXISTING SITE COVERAGE

5. **Existing Site Coverage Calculation:** *(if a reconstruction project)*

Gross Horizontal Area	Dwelling	Attached Roofed Accessory Structure (sq. ft.)	Detached Roofed Accessory Structure (sq. ft.)	TOTALS (sq. ft.)
Finished Basement				
First Floor				
Second Floor				
Third Floor				
TOTALS				

NOTE: See Section III of the Zoning By-Laws for Site Coverage definition.

- 6. **Existing Site Coverage (Total):** _____ sq. ft.
- 7. **Existing Site Coverage Ratio:** _____ % [Site Coverage (6) ÷ Lot Size (3)]
- 8. **Site Coverage Increase:** _____ sq. ft.
- 9. **Percentage of Expansion:** _____ % [Site Coverage Increase (8) ÷ Lot Size (3)]

ZBA APPLICATION CHECKLIST

- | |
|---|
| <input type="checkbox"/> \$250.00 Filing Fee <input type="checkbox"/> \$25.00 Abutter Certification <input type="checkbox"/> \$8.00 per Abutter Mailing Fee
<input type="checkbox"/> Denial Letter <input type="checkbox"/> 20 Copies of Full Application Packet – Plus Copy with Original Signature |
|---|

Applications for the Zoning Board of Appeals Must Include the Following:

- PLOT PLAN - EXISTING, PROPOSED and SEPTIC PLANS 11" x 17" maximum
- A copy of the Building Permit Denial Letter from the Building Inspector indicating that zoning relief is required.
- \$250 filing fee - checks made payable to Town of Eastham
- \$25.00 Abutter Certification fee
- \$8.00 per Abutter (mailing fee)
- Original plus 20 copies of completed application form
- Original plus 20 copies of a current 11"x17" certified plot plan - stamped by a Registered Land Surveyor or Engineer, including the following information:
 - Property line dimensions and lot area
 - Dimensions of existing and proposed buildings
 - All property line setbacks to all existing or proposed structures
 - Location and capacity of septic disposal system and well
 - Edge of wetland and wetland buffer, if applicable
- Original plus 20 copies of building floor plans and elevations, both existing and proposed. These need not be full size sets of drawings. You may reduce the drawings and submit Xerox copies rather than full size plans.
- Original plus 20 copies of a schedule of construction procedures including any proposed removal or demolition of major structural parts (required for all renovations, alterations or additions to a structure)
- Original plus 20 copies of Board of Health and Conservation Commission approvals. Please note that the ZBA may not take final action on an application with approvals pending from another regulatory board. It is the applicants' responsibility to provide proof to the ZBA of approvals from other boards.

Applicants should retain their own copies of all pages/plans.

APPLICATIONS FOR COMMERCIAL CONSTRUCTION ALSO REQUIRE THE FOLLOWING:

- Original plus 20 copies of certified plot plan, stamped by a Registered Land Surveyor or Engineer, including the following information:
 - Existing and proposed ground elevations and finish grade
 - Landscape plan with contours
 - Parking layout showing all dimensions and calculations
 - Proposed drainage plan with runoff calculations and design capacity of catch basins

I acknowledge that the above information is included in the application OR I have indicated items seeking waivers:

X (please sign) _____

Questions regarding the applicability of any of the above requirements to a specific project can be addressed to the Zoning Officer (Building Inspector) or Town Planner (508) 240-5900

GENERAL GUIDELINES FOR ZONING RELIEF:	
ZONING (NON)CONFORMITY	ACTION
NON-CONFORMING ADDITION to CONFORMING STRUCTURE (Footprint extension)	VARIANCE (ZBA)
NON-CONFORMING ADDITION to NON-CONFORMING STRUCTURE (EXTENSION OF FOOTPRINT that encroaches into setbacks)	VARIANCE &/OR SPECIAL PERMIT (ZBA)
CONFORMING ADDITION to NON-CONFORMING STRUCTURE	See Building Inspector
NON-CONFORMING ADDITION to NON-CONFORMING STRUCTURE (NO EXTENSION OF FOOTPRINT / 2nd STORY ADDITION)	SPECIAL PERMIT (ZBA)

1. Please review all regulations of the ZBA prior to appearing before the Board. These can be found on the Town's website at: http://www.eastham-ma.gov/Public_Documents/EasthamMA_Zoning/zoning
2. Fill out the ZBA Application completely in accordance with these Application Procedures and the Application Checklist so that there will be no ambiguity or uncertainty as to your intent in seeking approval of your application.
3. The Petitioner or his/her representative must appear and present the petition at the public hearing.
4. Please include a narrative or written description of changes: This should include a thorough description of the existing conditions or use; the proposed changes, including proposed changes and any other relevant information that the Board may need in reviewing the application. For a new or updates of a special permit, submit a copy of the current special permit decision and related documentation.
5. Please provide proof of when the lot was created and when the structure was built. This information can be found on your recorded deed and Assessor's field card.
 - *Barnstable County Registry of Deeds*
www.barnstabledeeds.org> Search>Public Records>Click here to Search Public Records
 - *Town of Eastham Assessing Department (to access field cards)*
<http://www.assessedvalues.com/index.zhtml?jurcode=86>>Search
6. To be granted a variance, A Petitioner must establish that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the Petitioner or appellant, and that 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 by-law.
7. In order to expedite consideration of your appeal, include all factors that may be relevant to the questions of hardship set forth in paragraph 6 above. Be prepared to explain the factors of the hardship at the public hearing.
8. If your petition is for a special permit rather than a variance, be prepared to present data that tends to indicate that the public convenience and welfare will be substantially served by granting the permission requested; that the permission requested will not tend to impair the status of the neighborhood; that the permission requested will be in harmony with the general purposes and intent of the regulations of the Zoning By-Laws.

9. Any person filing as a Party Aggrieved by the decision of the Inspector of Buildings or Planning Board must present the factors that may be relevant to their appeal of said decision.
10. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal such decision by bringing an action in Superior Court within twenty (20) days after the decision has been filed with the Office of the Town Clerk. Notice of such appeal must also be filed with the Town Clerk within the twenty (20) day period.
11. State law requires a Super Majority (4-1) vote to pass, not a Simple Majority (3-2) vote.
12. Decisions made by the Board of Appeals are filed with the Town Clerk after written and reviewed by all Board Members voting on the petition. Once filed with the Town Clerk, a copy of the decision is mailed to the Petitioner. Parties in interest are also notified of the Board's decision at this time. The 20-day appeal period begins to accrue from the date that the decision is filed with the Town Clerk (MGL Chapter 40A, Section 11).
NOTE: The appeal period DOES NOT begin from the date of the initial public hearing nor the deliberation.
13. The Applicant will record a copy of the Decision in the Barnstable County Registry of Deeds. No variance or special permit shall take effect until the Decision is recorded in said Registry. No building permit shall be issued without proof of recording.
14. A Variance must be exercised within one year of the date the decision was filed with the Town Clerk of grant of such Variance. A Special Permit must be exercised within two years of the date of grant of such Special Permit. If the rights are not exercised within the specified period, the Variance and/or Special Permit shall lapse, unless an extension is granted, and may be re-established only after notice and a new hearing pursuant to these General Requirements. A one-time extension of not more than six months may be requested from the Board prior to the expiration of either a Variance or Special Permit.\
15. Any project that also requires Site Plan Review pursuant to Sections XIII or XIV of the Town of Eastham Zoning By-Law shall be submitted with the necessary application materials to the Planning Board office.