

CITY OF SALEM, MASSACHUSETTS ZONING BOARD OF APPEALS

NOTICE TO APPLICANTS

Dear Petitioner:

The Zoning Board of Appeals meets monthly on the third Wednesday of the month. Applications for a Variance, Special Permit or other relief may be submitted up to three weeks prior to the monthly meeting. Petitions will be accepted each month on a first-come, first served basis and once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting. Applications must contain EACH of the following elements at the time of submittal:

**( ) 1. PETITION FORM.**

Every application for action by the Board shall be made on the Board's Petition Form. The Petition Form must be filled out completely and all information requested on the form must be supplied by the applicant. If you need assistance contact the one of the City staff listed below. For Variances, a Statement of Hardship must be attached; for Special Permits a Statement of Grounds must be attached. Nine (9) collated copies of the Petition Form and all application materials must be submitted, plus the original application form.

Before submitting your final application, please have all the original application form, plus all nine copies of the application form stamped by the City Clerk (located on the first floor of City Hall, 93 Washington Street). The Clerk will take the original application; please bring the remaining 9 stamped copies, along with the 9 sets of supplementary application materials, as specified below, to Danielle McKnight in the Planning Department.

**( ) 2. PLANS**

All applications relative to construction or exterior alteration must include nine (9) copies of the exterior design plans, drawn to scale, with the scale indicated. Exterior elevations must indicate dimensions and include all sides affected by the proposal. Exposed foundations should also be depicted on elevations.

A Certified Plot Plan is required for all new construction and any construction to existing structures where the proposed work would affect the structure's footprint. Mortgage Plans may be submitted in the place of Certified Plot Plans for existing one and two family structures when the exterior alterations are not two feet or less from the property line.

A Certified Plot Plan must be stamped and dated by a registered engineer or land surveyor. The following items must be on the Certified Plot Plan:

- a) If petitioner seeks dimensional variances, plans must include a chart showing how the proposal falls short of the Ordinance's requirements.
- b) Plans must show all existing features of the property relevant to the proposed project, including without limitation, any easements, water, sewer and gas lines, underground electrical lines, paper streets, conservation areas, wetlands or waterways, hazardous waste disposal sites or historical sites.

*Submit application materials to: Danielle McKnight, Staff Planner (978-619-5685). Questions about the preparation of your application should be directed to Danielle McKnight or Thomas St. Pierre, Building Commissioner (978-619-5641), 3<sup>rd</sup> Floor, 120 Washington Street, City Hall Annex, Salem, MA 01970.*

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- c) If off-street parking is required by the Ordinance, plans must show the layout and number of parking spaces set aside for the proposed use. Proposed parking layouts must include access ways and buffer zones.

( ) **3. APPLICATION FEES** -- See the Attached Fee Schedule.

**PROCEDURE FOR HEARINGS AND RECORDING DECISIONS AT THE REGISTRY OF DEEDS**

Upon submission of your application, materials and fees, you will be told the date of your hearing. You (the property owner) or your representative must attend the hearing. If you are being represented by anyone other than an attorney, you must submit a signed statement authorizing the representative to act on your behalf.

**Please note that a copy of any additional material you present at the hearing must be submitted to the Board for the official record.**

Two weeks after the Board of Appeals issues a decision, the Planning Department will file your decision letter with the City Clerk and send you a copy. The decision can be appealed within 20 days of its filing with the Clerk. Once the appeal period is over, if the decision is not appealed, the Building Department will have the letter certified at the Clerk's office, confirming that 20 days have passed without an appeal, and then send it to the South Essex Registry of Deeds. The fees you paid at the time you submitted your application cover the cost of certifying the decision and recording it at the Registry. The Registry will notify you by mail when your decision has been recorded. You do not need to certify the letter or record it at the Registry yourself.

*Submit application materials to: Danielle McKnight, Staff Planner (978-619-5685). Questions about the preparation of your application should be directed to Danielle McKnight or Thomas St. Pierre, Building Commissioner (978-619-5641), 3<sup>rd</sup> Floor, 120 Washington Street, City Hall Annex, Salem, MA 01970.*

1. **The filing fee is \$75.00 for an application for Special Permit or Variance, or for an appeal of the decision of the Building Commissioner. The check should be made payable to City of Salem Board of Appeals.** Fees may be waived if the City of Salem is the petitioner.
  - a. *If the application for a special permit or variance involves new construction of dwelling units*, a fee of \$50 will added to the filing fee for each dwelling unit on the property up to a maximum of \$500. This additional fee will be refunded if the request is denied.
  - b. *If the application for a special permit or variance will increase the number of dwelling units*, a fee of \$50 for each additional dwelling unit is added to the filing fee, up to a maximum of \$500. This additional fee will be refunded if the request is denied.
2. All requests for special permits or variances require submittal of a \$75.00 fee, payable to the South Essex Registry of Deeds, for recording the decision.
3. All requests for special permit or variances require submittal of a \$2.00 fee, payable to the City of Salem, to obtain a certified copy of the decision from the City Clerk.
4. The Salem News requires a \$500 deposit payment to run your legal advertisement (the ad must run twice at approximately \$250 per day). The actual cost of your ad will depend on its length and will be determined by the News after its printing. You must sign a consent form agreeing to pay the difference if the ad costs more, or to accept a refund from the News if it costs less. *A \$500 check made payable to the Salem News, plus the signed consent form, are both due at the time the application is made.*

Eagle - Tribune  
Salem News  
Newburyport Daily News  
Gloucester Times

**REQUEST FOR LEGAL NOTICE**

I understand that by signing this form I am agreeing to the cost of the legal notice to be published in the newspaper. Payment is required at the time of the legal notice received by the city. Please make checks payable to the paper that will be publishing the legal notice.

**\*\*Average legal notice costs are estimated.**

**\*\*Customer will either be refunded or billed when the legal notice is published.**

Eagle Tribune Paper = \$200.00 per day

Essex County Papers = \$250.00 per day

Check#

Credit Card (please call with the credit card information to the person receiving the legal notice at our paper)

\_\_\_\_\_  
Signed Applicant/Authorized Agent

\_\_\_\_\_  
Date

Print Name

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

Phone

\_\_\_\_\_

## 2012 Zoning Board of Appeal Meeting Schedule

Unless otherwise noted, all meetings of the Salem Board of Appeal are held at 6:30 in Room 313, Third Floor 120 Washington Street. Submittals should be in by **12:00 noon** on the submittal deadline date shown.

Note: Applications will be accepted each month on a first-come, first served basis. Once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting.

<b>Meeting Date</b>	<b>Submittal Deadline</b> <i>21 Days Prior</i>
<b>January 18, 2012</b>	December 28, 2011
<b>February 15, 2012</b>	January 25, 2012
<b>March 21, 2012</b>	February 29, 2012
<b>April 18, 2012</b>	March 28, 2012
<b>May 16, 2012</b>	April 25, 2012
<b>June 20, 2012</b>	May 30, 2012
<b>July 18, 2012</b>	June 27, 2012
<b>August 15, 2012</b>	July 25, 2012
<b>September 19, 2012</b>	August 29, 2012
<b>October 17, 2012</b>	September 26, 2012
<b>November 21, 2012</b>	October 31, 2012
<b>December 19, 2012</b>	November 28, 2012

PETITION FORM



CITY OF SALEM, MASSACHUSETTS  
ZONING BOARD OF APPEALS

120 WASHINGTON STREET, 3<sup>RD</sup> FLOOR  
SALEM, MASSACHUSETTS 01970

Thomas St. Pierre, Director of Inspectional Services  
t. 978-619-5641/f. 978-740-9846  
Danielle McKnight, Staff Planner  
t. 978-619-5685/f. 978-740-0404

**TO THE BOARD OF APPEALS:**

The Undersigned represent that he/she is/are the owners of a certain parcel of land located at:

Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_

**An application is being submitted to the Board of Appeal for the following reason(s):** *This statement must describe what you propose to build, the dimensions, the zone property is in, and the zoning requirements. Example: I am proposing to construct a 10' x 10' one story addition to my home located at 3 Salem Lane, in the R-2 Zoning District. The Zoning Ordinance requires the minimum depth of the rear yard to be 30 feet. The current depth of my rear yard is 32 feet; the proposed addition would reduce the depth of the rear yard to 22 feet.*

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

For this reason I am requesting:

( ) Variance(s) from provisions of Section \_\_\_\_\_ of the Zoning Ordinance, specifically from \_\_\_\_\_ (i.e. minimum depth of rear yard).

What is allowed is \_\_\_\_\_ (ft? sq ft? stories? %?), and what I am proposing is \_\_\_\_\_ (ft? sq ft? stories? %?).

( ) A Special Permit under Section \_\_\_\_\_ of the Zoning Ordinance in order to \_\_\_\_\_

( ) Appeal of the Decision of the Building Inspector (described below):  
\_\_\_\_\_  
\_\_\_\_\_

The Current Use of the Property Is: \_\_\_\_\_ Are the lot dimensions included on the plan?  
(example: Two Family Home) \_\_\_\_\_ ( ) Yes ( ) No n/a because \_\_\_\_\_

The Undersigned hereby petitions the Board of Appeals to vary the terms of the Salem Zoning Ordinance and allow the project to be constructed as per the plans submitted, as the enforcement of said Zoning By-Laws would involve practical difficulty or unnecessary hardship to the Undersigned and relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

PETITION FORM

The following written statement has been submitted with this application:

- ( ) For all Variance requests a written Statement of Hardship demonstrating the following must be attached:
  - a) Special conditions and circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings, and structures in the same district;
  - b) Literal enforcement of the provisions of the Ordinance would involved substantial hardship to the applicant; and
  - c) Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

( ) For all Special Permit requests a Statement of Grounds must be attached. An application for a special permit for a nonconforming use or structure shall include a statement demonstrating how the proposed change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood in accordance with Art. V, § 5-3. Such a statement should include reference to the following criteria:

- a) Social, economic, or community needs served by the proposal;
- b) Traffic flow and safety, including parking and loading;
- c) Adequacy of utilities and other public services;
- d) Impacts on the natural environment, including drainage;
- e) Neighborhood character; and
- f) Potential fiscal impact, including impact on City tax base and employment.

Previous applications to the Board of Appeals involving this property have been submitted with this petition form. The Building Commissioner can provide documentation of previous applications to the petitioner or his representative.

*If different from petitioner:*

Petitioner: \_\_\_\_\_

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

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

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

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature (Attached consent letter is also acceptable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

*If different from petitioner:*

A TRUE  
ATTEST

Representative: \_\_\_\_\_

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

Telephone: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

DATE SUBMITTED TO  
BOARD OF APPEALS:

\_\_\_\_\_  
CITY CLERK

*This original application must be filed with the City Clerk.*