



**TOWN OF NORTH ANDOVER  
ZONING BOARD OF APPEALS**

**VARIANCE**

**NAME:** \_\_\_\_\_

**ADDRESS OF APPEAL:** \_\_\_\_\_

Town Clerk Time Stamp

**Procedure & Requirements  
for an Application for a Variance**

Twelve (12) copies of the following information must be submitted thirty (30) days prior to the first public hearing. Failure to submit the required information within the time periods prescribed may result in a dismissal by the Zoning Board of an application as incomplete.

The information herein is an abstract of more specific requirements listed in the Zoning Board Rules and Regulations and is not meant to supersede them. The petitioner will complete items that are underlined

**STEP 1: ADMINISTRATOR PERMIT DENIAL:**

The petitioner applies for a Building Permit and receives a Zoning Bylaw Denial form completed by the Building Commissioner.

**STEP 2: VARIANCE APPLICATION FORM:**

Petitioner completes an application form to petition the Board of Appeals for a Variance. All information as required in items 1 through and including 11 shall be completed.

**STEP 3: PLAN PREPARATION:**

Petitioner submits all of the required plan information as cited in page 4, section 10 of this form.

**STEP 4: OBTAIN LIST OF PARTIES IN INTEREST:**

The petitioner requests the Assessor's Office to compile a certified list of Parties in Interest (abutters).

**STEP 5: SUBMIT APPLICATION:**

Petitioner submits one (1) original and eleven (11) Xerox copies of all the required information to the Town Clerk's Office to be certified by the Town Clerk with the time and date of filing. The original will be left at the Town Clerk's Office, and the 11 Xerox copies will be left with the Zoning Board of Appeals secretary.

**STEP 6: SCHEDULING OF HEARING AND PREPARATION OF LEGAL NOTICE:**

The Office of the Zoning Board of Appeals schedules the applicant for a hearing date and prepares the legal notice for mailing to the parties in interest (abutters) and for publication in the newspaper. The petitioner is notified that the legal notice has been prepared and the cost of the Party in Interest fee.

**STEP 7: DELIVERY OF LEGAL NOTICE TO NEWSPAPER**

The petitioner picks up the legal notice from the Office of the Zoning Board of Appeals and delivers the legal notice to the local newspaper for publication.

**STEP 8: PUBLIC HEARING BEFORE THE ZONING BOARD OF APPEALS:**

The petitioner should appear in his/her behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of the petition, the Board shall decide on the matter by using the information it has received to date.

**STEP 9: DECISION:**

After the hearing, a copy of the Board's decision will be sent to all Parties in Interest. Any appeal of the Board's decision may be made pursuant to Massachusetts General Law ch. 40A § 17, within twenty (20) days after the decision is filed with the Town Clerk.

**STEP 10: RECORDING THE DECISION AND PLANS.**

The petitioner is responsible for recording certification of the decision, the Mylar, and any accompanying plans at the Essex County, North Registry of Deeds, 354 Merrimack St. Suite #304, Lawrence MA, 01843 and shall complete the Certification of Recording form and forward it to the Zoning Board of Appeals and to the Building Department.

**IMPORTANT PHONE NUMBERS:**

- 978-688-9533 Office of Community Dev. & Services  
1600 Osgood St., Bldg. 20, Suite 2035  
North Andover, MA 01845
- 978-688-9542 fax for Community Development offices
- 978-688-9545 Building Department
- 978-688-9541 Zoning Board of Appeals Office

- North Andover Town Hall  
120 Main Street
- 978-688-9501 Town Clerk's Office
- 978-688-9566 Assessor's Office



NORTH ANDOVER ZONING BOARD OF APPEALS application for a **VARIANCE**

**6 B. Existing Lot:**

| Lot Area<br>Sq. Ft. | Open Space<br>Sq. Ft. | Percent Lot<br>Coverage | Frontage<br>Feet | Parking<br>Spaces | Front | Minimum Lot Setback |        | Rear  |
|---------------------|-----------------------|-------------------------|------------------|-------------------|-------|---------------------|--------|-------|
|                     |                       |                         |                  |                   |       | Side A              | Side B |       |
| _____               | _____                 | _____                   | _____            | _____             | _____ | _____               | _____  | _____ |

**6 C. Proposed Lot(s):**

| Lot Area<br>Sq. Ft. | Open Space<br>Sq. Ft. | Percent Lot<br>Coverage | Frontage<br>Feet | Parking<br>Spaces | Front | Minimum Lot Setback |        | Rear  |
|---------------------|-----------------------|-------------------------|------------------|-------------------|-------|---------------------|--------|-------|
|                     |                       |                         |                  |                   |       | Side A              | Side B |       |
| _____               | _____                 | _____                   | _____            | _____             | _____ | _____               | _____  | _____ |
| _____               | _____                 | _____                   | _____            | _____             | _____ | _____               | _____  | _____ |

**6 D. Required Lot:** (As required by Zoning Bylaw & Table 2)

| Lot Area<br>Sq. Ft. | Open Space<br>Sq. Ft. | Percent Lot<br>Coverage | Frontage<br>Feet | Parking<br>Spaces | Front | Minimum Lot Setback |        | Rear  |
|---------------------|-----------------------|-------------------------|------------------|-------------------|-------|---------------------|--------|-------|
|                     |                       |                         |                  |                   |       | Side A              | Side B |       |
| _____               | _____                 | _____                   | _____            | _____             | _____ | _____               | _____  | _____ |

**7A. Existing Building(s):**

| Ground Floor<br>Square feet | Number of<br>Floors | Height | Total<br>Sq. feet | Use of<br>Building* | Number<br>of Units** |
|-----------------------------|---------------------|--------|-------------------|---------------------|----------------------|
| _____                       | _____               | _____  | _____             | _____               | _____                |
| _____                       | _____               | _____  | _____             | _____               | _____                |
| _____                       | _____               | _____  | _____             | _____               | _____                |

\*Reference Uses from the Zoning Bylaw & Table 1. \*\*State number of units in building(s).

**7B. Proposed Building(s):**

| Ground Floor<br>Square feet | Number of<br>Floors | Height | Total<br>Sq. feet | Use of<br>Building* | Number<br>of Units** |
|-----------------------------|---------------------|--------|-------------------|---------------------|----------------------|
| _____                       | _____               | _____  | _____             | _____               | _____                |
| _____                       | _____               | _____  | _____             | _____               | _____                |
| _____                       | _____               | _____  | _____             | _____               | _____                |

\*Reference Uses from the Zoning Bylaw & Table 1.

\*\*State number of units in building(s).

**8. Petitioner and Landowner signature(s):**

Every application for a Variance shall be made on this form, which is the official form of the Zoning Board of Appeals. Every application shall be filed with the Town Clerk's Office. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the Town Clerk or the Zoning Board of Appeals does not absolve the applicant from this responsibility. The petitioner shall be responsible for all expenses for filing and legal notification. Failure to comply with application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the Zoning Board of this application as incomplete.

Signature: \_\_\_\_\_

Type above name(s) here: \_\_\_\_\_

**9. WRITTEN DOCUMENTATION**

Application for a Variance must be supported by a legibly written or typed memorandum setting forth in detail all facts relied upon. When requesting a Variance from the requirements of MGLA ch. 40A, Sec. 10.4 and the North Andover Zoning By-laws, all dimensional requirements shall be clearly identified and factually supported. **All points, A-F, are required to be addressed with this application.**

- A. The particular use proposed for the land or structure.
- B. The circumstances relating to soil conditions, shape or topography of such land or structures especially affecting the property for which the Variance is sought which do not affect generally the zoning district in which the property is located.
- C. Facts which make up the substantial hardship, financial or otherwise, which results from literal enforcement of the applicable zoning restrictions with respect to the land or building for which the variance is sought.
- D. Facts relied upon to support a finding that relief sought will be desirable and without substantial detriment to the public good.
- E. Facts relied upon to support a finding that relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Ordinance.
- F. Submit RDA from Conservation Commission when Continuous Buildable Area is applied for in ZBA application.

**10. PLAN OF LAND**

Each application to the Zoning Board of Appeals shall be accompanied by the following described plan. Plans must be submitted with this application to the Town Clerk's Office and ZBA secretary at least thirty (30) days prior to the public hearing before the Zoning Board of appeals.

**A set of building elevation plans by a Registered Architect may be required when the application involves new construction/conversion/ and/or a proposed change in use.**

**10. A. Major Projects**

Major projects are those, which involve one of the following whether existing or proposed:

- I) five (5) or more parking spaces,
- II) three (3) or more dwelling units,
- III) 2,000 square feet of building area.

Major Projects shall require, that in addition to the 10B & 10C features, that the plans show detailed utilities, soils, and topographic information.

**\*10. B. \*Plan Specifications:**

I) **Size of plan:** Ten (10 ) paper copies of a plan not to exceed 11"x17", preferred scale of 1"=40'

II) **One (1) Mylar**, with one block for Registry Use Only, and one block for five (5) ZBA signatures & date.

III) Plan shall be prepared, stamped and certified by a **Registered Professional Land Surveyor**. Please note that plans by a Registered Professional Engineer, Registered Architect, and/or a Registered Landscape Architect may be required for Major Projects.

**\*10 C. \*Required Features On Plan:**

I) **Site Orientation shall include:**

- 1. north point
- 2. zoning district (s)
- 3. names of streets
- 4. wetlands (if applicable)
- 5. abutters of property, within 300' radius
- 6. locations of buildings on adjacent properties within 50' from applicants proposed structure
- 7. deed restrictions, easements.

II) **Legend & Graphic Aids shall include:**

- 1. Proposed features in solid lines & outlined in red
- 2. Existing features to be removed in dashed lines
- 3. Graphic Scales
- 4. Date of Plan
- 5. Title of Plan
- 6. Names addresses and phone numbers of the applicant, owner or record, and land surveyor.
- 7. Locus

**10 D. Minor Projects**

**Minor projects, such as decks, sheds, and garages,** shall require only the plan information as indicated with an asterisk (\*). In some cases further information may be required.

**11. APPLICATION FILING FEES**

**11.A.** Notification fees: Applicant shall provide a check or money order to: "Town of North Andover" for the cost of first class, certified, return receipt x # of all parties in interest identified in MGLA ch. 40A §11 on the abutter's list for the legal notice check. Also, the applicant shall supply first class postage stamps for each address listed on the abutter's list, plus an additional 2 for the decision mailing.

**11. B. Mailing labels:** Applicant shall provide four (4) sets of mailing labels no larger than 1"x2-5/8" (3 copies for the Legal, and one copy for the Decision mailing).

**11. C.** Applicant shall provide a check or money order to: "Town of North Andover" per 2005 Revised Fee Schedule.

► **A Variance once granted by the ZBA will lapse in 1 (one) year if not exercised and a new petition must be submitted.** ◀