TOWN OF FAIRHAVEN

RESIDENTIAL and COMMERCIAL APPLICATION

ZONING BOARD OF APPEALS

Instructions for filling out application/petition for Appeal Under Zoning Ordinance

The Building Department will furnish Board of Appeals applications and answer specific questions relative to Zoning. The Building Department WILL NOT draw plot plans or complete the application for the homeowner.

1. Items #1 to #3 – Information may be obtained by the petitioner from the Assessor's Office.

2. Item #4 – Information may be obtained by the petitioner from the Building Department.

3. Item #5 to #14 – Information to be supplied by the petitioner.

4. Item #13 – A "Denial Letter" indicating the reason for a building permit being denied must be submitted with the application by the Building Commissioner.

5. **OWNER OR OWNER'S AGENT (with Letter) OF PROPERTY MUST SIGN PETITION**.

RESIDENTIAL FEE: $300.00
COMMERCIAL FEE: $400.00

Additional Information for Petitioners Filing to Appear Before the Zoning Board of Appeals

1. Hearings are scheduled for the first Tuesday of each month at 6:00p.m. at the Town Hall, except special meetings scheduled by the Chairman. You will receive written notice (post card) prior to the hearing as to date, time, and place of the hearing. You or a representative must attend the hearing.

2. Completed applications with **FILING FEE** must be filed with the Building Department one month prior to the meeting you wish to be scheduled on. (Filing deadline is the first Thursday of the month proceeding the month you wish to be heard.) (i.e., To be heard in the Month of September, your application and fee would have to be filed by the first Thursday in August.) This allows time for advertising and notice to abutters as required by M.G.L. Chapter 40A, Section 11.

3. Applications must be accompanied by ***9*** copies of a Certified Plot Plan, from a Registered Land Surveyor showing width and depth of the lot, dimensional outlines of all buildings as they exist or are proposed to be located on the lot indicating all distances from lot lines. Plans MUST BE DRAWN NEATLY AND TO SCALE. ELEVATION DRAWINGS AND FLOOR PLANS OF ADDITIONS AND NEW BUILDINGS MUST BE PROVIDED.

4. In making its determination, the Zoning Board of Appeals shall weigh the benefits to the appellant or petitioner and to the public interest, including the interest in supporting the production of housing against the detriment to the public health, safety and welfare of the neighborhood, and may also consider:

(i) whether the practical difficulty relates to soil conditions, shape, or topography of such land or structures;

(ii) whether the strict enforcement would impose a financial hardship on the appellant or petitioner;

(iii) whether the benefit sought by the appellant or petitioner can be achieved by some other method feasible for the appellant or petitioner to achieve; and

(iv) whether the practical difficulty was self-created.

5. Special Permits will be granted if the petitioner establishes:

A. The specific use involved is in harmony with the general purpose and the intent of the By-Laws;

B. The public convenience and welfare will be substantially served by granting the permission requested; and,

C. The permission requested will not impair the status of the neighborhood.

Further, the Board of Appeals may subject said Special Permit to appropriate conditions or safeguards as deemed necessary.

6. It is the responsibility of the petitioner to present the Board of Appeals sufficient Information to satisfy the requirements of either a Variance or Special Permit as outlined above in order for the Board to grant such request.

FAIRHAVEN BOARD OF APPEALS

APPLICATION

Town Clerks Stamp

Date_____ 20_____

The undersigned petitions the Board of Appeals to vary, in the manner and for the reason hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises:

Date: _____

Applicant: _____ Name

Address Email Mobil Phone #

Owner(s):_____ Name

Address Email Mobil Phone #

1. Location of Premises _____

2. Assessors' Plat_____ Lot #'s _____ Book_____Page_____Cert#_____

3. Dimensions: Frontage_____ Depth _____ Area _____

4. Zoning districts in which premises is located _____
5. Length of Ownership of premises_____
6. Number and Name of Buildings on Lot _____
7. Name proposed buildings and use of same _____
8. State present use of premises _____
9. Give size of existing buildings _____
10. Give extent of proposed alterations _____

_____

_____

11. Number of families for which the building is to be used _____
12. Have you submitted plans to the Building Commissioner? _____Yes _____No
13. A "Denial Letter" indicating the reason for a building permit being denied must be submitted with the application by the Building Commissioner.
14. Reason(s) for requesting:

◯ Variance ◯ Special Permit ◯ Administrative Appeal ◯ MGL 40A sec. 6 finding

_____

_____Date: _____

Payment Received by: _____Date:_____

Board of Appeals

Town Hall * 40 Center Street* Fairhaven, MA 02719

Variance Findings

It is the applicant's responsibility to make their case as to why their application meets all the requirements for a Variance. ***These are extremely important questions and it is recommended that you answer them VERY carefully.*** You may use an additional sheet if necessary.

Please submit this sheet to the Building Department to include with your Variance application.

1. **Describe whether the practical difficulty relates to soil conditions, shape or topography of such land or structures;**

   _____
   _____
   _____

2. **Describe whether the strict enforcement would impose a financial hardship on the appellant or petitioner;**

   _____
   _____
   _____

3. **Describe whether the benefit sought by the appellant or petitioner can be achieved by some other method feasible for the appellant or petitioner to achieve; and**

   _____
   _____
   _____

4. **Describe whether the practical difficulty was self-created.**

   _____
   _____
   _____.

Location of Premises:_____
Applicant (s) Signature:_____ Owner Signature:_____
Date:_____